

# AARON BURR,

HIS PERSONAL AND POLITICAL RELATIONS WITH  
THOMAS JEFFERSON AND ALEX-  
ANDER HAMILTON.

"Nothing is so desirable to me, as that after mankind shall have been abused by such gross falsehoods as to events while passing, their minds should at length be set to rights by genuine truth."—THOMAS JEFFERSON.

By

ISAAC JENKINSON.

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## PREFACE.

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This is not a biography of Burr; it simply deals with those personal and political antagonisms which assailed him and which left him with a ruined reputation. It is the purpose of this work to inquire into the causes which led to these, the motives which prompted, and the results which followed them. For nearly a hundred years the name of Aaron Burr has been under ban; three generations have been taught to believe he was the incarnation of wickedness. If this reputation be undeserved, if it be founded in prejudice and not in truth, it would seem that the fact ought to be made known. It is the purpose of this work to give the facts about Burr and his assailants, and leave a fair-minded people to pass their own judgment upon them.

In presenting Burr's case it is necessary to speak of others—the men who persecuted and ruined him. But it is not necessary, nor is it the intention, to assail their general character; they were men of distinction, greatly and justly respected while living, and deservedly honored in memory. But they would have been more than mortal if they had been infallible. They had great virtues, but they had great

faults, and we feel it to be unfortunate that, in this connection, we are compelled to deal only with their worst traits of character. If in the vindication of Aaron Burr it becomes necessary to arraign the conduct of these men, it is only because their persistent persecution has created the necessity. If the facts condemn them, it must be remembered, they were of their own creation.

Aaron Burr has the saddest of all histories—the victim of revengeful power, and of studied and persistent duplicity. A man whose public life was without a stain, who never betrayed a friend, or spoke ill even of an enemy; a man of the highest ambition, but who put aside the presidency of the United States, rather than do a wrong to his party chief or disappoint the wishes of the people—has been for a whole century denounced as a man without integrity or sound principle. A man who gave four years of his early manhood in fighting for the maintenance of the republic—has, upon mere clamor and prejudice, for three generations, been stigmatized as a traitor. If these be facts, is it not time they were known? It is to give these facts that this volume has been written.

RICHMOND, IND., February, 1902.

# CONTENTS.

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## CHAPTER I.

### JEFFERSON-BURR-HAMILTON.

Jefferson — His Early Life — His Political Creed — His Enthusiasm — His Credulity — His Inconsistency — Aaron Burr — His Ancestry — Expedition to Quebec — Rescues Montgomery's Remains — Joins Putnam — Commands a Brigade — At West Point — On the Lines — Marriage — Domestic Life — Hamilton — Captain of Artillery — Washington's Military Secretary — Burr and Hamilton as Lawyers ..... 9

## CHAPTER II.

### JEFFERSON AND HAMILTON.

Burr's Election to the Senate — His Popularity with his Party — In Washington's Cabinet — A Mistake — Constant Contention — The President's Distress — His Difficulty in Reorganizing the Cabinet — Jefferson's Programme — Assails the Administration — Hamilton — Some of his Characteristics — Cause of his Mistakes ..... 33

## CHAPTER III.

### BURR AND HAMILTON.

The New York Election — Burr's Careful Preparation — Burr's Success — Chagrin of Hamilton — His Dishonest Proposal to Gov. Jay, who Rejects the Proposition — Jefferson and Burr have Equal Vote — Election Referred to Congress — Burr's Refusal to Treat with Federalists — Jefferson Elected President — Burr Vice-President..... 55

## CHAPTER IV.

### HAMILTON AND JEFFERSON.

Secret Detraction of Burr — Hamilton's Method — Judge Marshall's Reply — Hamilton's Duplicity — Hamilton's Attack on Adams — Intrigue Against Adams — The Three Ministers — Disastrous Results — Loss of Popularity — The Virginia Junto — Conspiracy Against Burr — Clinton and Hamilton join Jefferson — Correspondence — Burr and the Cabinet — Jefferson's Friendliness — Compliments Burr ..... 77

**CHAPTER V.****BURR-JEFFERSON-HAMILTON.**

Charges Against Burr — The Election Intrigue, 1801 — Burr's Refusal to Treat With Federalists — Jefferson Buys His Election — Depositions of Bayard and Smith — A Scheme to Elect Burr — He Rejects It — Bayard's Displeasure — Jefferson's Trouble in Making Payment — Revolt of His Friends in Philadelphia — Importing a Post-master to New York .....	99
---	----

**CHAPTER VI.****THE DUEL.**

The Election in New York — An Unequal Contest — The Conspiracy Prevails — Hamilton's Selfish Action — Correspondence Between Burr and Hamilton — The Challenge — The Combat — Hamilton Fatally Hurt — Rufus King's Explanation — Did Not Advise Hamilton to Accept the Challenge — Burr Justified .....	126
---	-----

**CHAPTER VII.****BURR RETIRES FROM PUBLIC LIFE.**

Kind Words to Family and Friends — Mementos for All — Returns to the Senate — Presides at the Chace Impeachment Trial — Bids Farewell to the Senate — His Address to the Senators — Its Thrilling Effect — Tears from the Members — His Visit to the Western Country — His Enthusiastic Welcome — The First Blow from the Man in Power .....	155
--	-----

**CHAPTER VIII.****HUNTING A CONSPIRACY.**

The Message Arraigning Burr — The Investigation by Jackson — Bissell's Report — Message to Congress — Burr's Arrest — Defended by Clay — Acquitted — Clay's Letter — The Proclamation — Burr Starts Down the River — Sixty Unarmed Men with Him — Efforts to Create Clamor and Prejudice Against Burr — Special Secret Agent Sent to Kentucky and Ohio .....	173
--	-----

**CHAPTER IX.****TERRORIZING THE PEOPLE.**

Wilkinson's Work at New Orleans — Creating Excitement and Clamor — Trampling upon the Constitution and the Law — Defying the Courts — Making Military Arrests — Arresting and Deporting Innocent Men — Suspension of Habeas Corpus by the Senate — A Stipendiary of Spain — Randolph Denounces Wilkinson — Jefferson Deceives Bollman — Clark's Statement .....	194
---	-----

## CHAPTER X.

## BURR'S REAL INTENTION.

The Navy Department's Order — The Expedition Arrested — Grand Jury Refuses an Indictment — The Reason Why — The Scheme to Liberate South America — Burr's Project — Letter to Smith — Jackson and Adair — Jefferson on Newspapers .....	218
---	-----

## CHAPTER XI.

## THE INDICTMENT.

The Examination — Committed for Trial — Bail Required and Given — Burr's Speech — Case Called for Trial — The Counsel Engaged — The Indictment — Burr's Danger — Charged with Treason — Condemned by Clamor — Court Takes Recess — Burr in Penitentiary — Great Numbers Visit Him — Washington Irving — His Letters.....	250
--	-----

## CHAPTER XII.

## THE TRIAL AND VERDICT.

A Jury of Enemies — Subpœna for Jefferson — The President Interferes — Public Money Used — The Trial Begun — Instruction of Judge Marshall — Jury Returns Verdict — Not Guilty — Misdemeanor Trial — Acquittal — Jefferson Angry — Denounces the Judge — Pursues Burr into Exile .....	278
--	-----

## CHAPTER XIII.

## THE EVIDENCE.

Truxtun — Vindication of Burr — Expedition Dependent on War — No War, No Conquest — No Talk of Disunion — The Cipher Letter Altered — Wilkinson's Perjury — Randolph's Exposure — The President's Indorsement — "On the Honor of a Soldier" — Wilkinson Confesses His Guilt — His Defense of Mexico — Claims Enormous Reward — Claim Rejected.....	297
--	-----

## CHAPTER XIV.

## BLENNERHASSETT.

An Irishman — Of Wealth and Good Position — Settles on an Island — Seeks Burr's Acquaintance — Offers His Services — In Any Enterprise Proposed — Engages in Burr's Land Settlement — Is Indicted for Treason — Not Prosecuted — Failure in Business — Dies in Poverty — Mrs. Blennerhassett — Her Death .....	320
--	-----

## CHAPTER XV.

## BURR'S LATER LIFE.

Returns to His Profession — Does a Large General Business — His Daughter's Death — His Great Grief — Has Many Friends, but Avoids General Society — His Religious Views — His Morals — His Correspondence — His Illness — His Death and Burial .....	343
--	-----

## CHAPTER XVI.

## A SUMMARY.

The Conspiracy Against Burr — Burr's Political Life — His Popularity — Refuses to Compete with Jefferson — His Letter to General Smith — Hamilton Proposes to Corrupt Jefferson — His Opposition to Burr — The Agreement Between Bayard and Jefferson — Burr's Integrity — Jefferson's Revenge — <u>Wilkinson's Treachery</u> — Burr's <u>Fatal Pride</u> — <u>His Friends</u> .....	367
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## CHAPTER I.

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### JEFFERSON — BURR — HAMILTON.

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Jefferson — His Early Life — His Political Creed — His Enthusiasm — His Credulity — His Inconsistency — Aaron Burr — His Ancestry — Expedition to Quebec — Rescues Montgomery's Remains — Joins Putnam — Commands a Brigade — At West Point — On the Lines — Marriage — Domestic Life — Hamilton — Captain of Artillery — Washington's Military Secretary — Burr and Hamilton as Lawyers.

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The early Republican party of this country was fortunate in the possession of two leaders, of directly opposite qualities, but united presenting every element necessary for successful party construction. These were Thomas Jefferson and Aaron Burr. Jefferson was the elder by thirteen years, and had reached maturity in time to take an active part in the opening scenes of the war of the Revolution. He belonged to one of the first families of Virginia, and entered public life at an early age. He was tall and muscular, over six feet in height, long limbed and loose jointed, hair almost red, clear complexion and blue eyes. His dress was plain, almost to affectation. His manners were neither polished nor imposing, but relieved by a pleasing and friendly address.

He was a man of opinions, of ideas, of broad and liberal views within the range of his mental vision, but, like most reformers, that vision was contracted. It was fixed upon one purpose, in the accomplishment of which he was an enthusiast. He fully believed he had been called to a mission, to become the founder of a creed, the apostle of liberty. To this end everything was of importance, all else was unimportant. He had no toleration for opposition, and scarcely any for co-operation. His dislikes were intense, and he regarded no means unjustifiable in opposing or punishing an enemy, and all were enemies who questioned his political views, or stood in the way of his political advancement. He sincerely hated the Federalists and everything they did. He was unsparing in his abuse of the leaders of that party for aping British manners and customs. Though a member of Washington's cabinet, he opposed almost every measure of administration, and encouraged his friends to bitterly fight it on pretexts totally untenable, and sometimes puerile and factious.

Hamilton's financial system, the wisdom of which time has fully demonstrated, was opposed by Jefferson with great bitterness. He argued against the payment of the government scrip in full, because as the holders had bought it at a discount, they should only be paid what it cost them, thus repudiating a portion of the public debt, and breaking faith with the public

creditors. He objected to the assumption of the States' debts, contracted for the public defense, because they had, some of them, been injudiciously made. This opposition was not only unwise, but mischievous and dangerous in the highest degree to a government then only upon trial, and the failure of which might have destroyed all hope of a united republic. He was a secessionist, and declared that the alien and sedition laws were infractions of the constitution, which authorized the legislatures of the States to declare them null and void, to resist their enforcement with physical force, "and to secede from the Union rather than submit to them." He was the author of nullification, as expressed in the Kentucky resolutions, which were drawn by his hand.

Jefferson's political creed consisted of two principles—individual freedom and State rights. He was, in all its essential elements, a democrat, a believer in self-government. He was for giving the people all power, and believed that government, in all things, should be controlled by their will. He advocated a weak government—that is, he believed a government which exercised the least power was the best. His reasoning would almost reach the conclusion that he was opposed to all government. His dislike of the Federal government was based on his dislike of power in itself; he believed that power is always tyrannical. He objected to the constitution because it created a president, who was "a bad

edition of a Polish king," a sort of elective monarch. His doctrine of State rights rested upon his belief in State sovereignty; all of the power he permitted to the Federal government was drawn from the strictest possible construction of the specific grants by the States. The idea of a citizenship extending to all the States of the Union seemed to be as repugnant to his sense of right, as the idea of a cosmopolitan citizenship embracing all the nations of the earth.

He believed an independent judiciary dangerous to civil liberty, and proposed that the judiciary department be made subservient to the will of the people. He opposed the creation of a navy because it was anti-republican. He denied the right of one generation to create a debt to be paid by a future generation. His tendency to exaggeration marred much that he said, both of approval and condemnation. His political opponents were all monarchists, seeking to overthrow republican government. Of his daily associates in the cabinet he has recorded that "Washington has not sense enough to see that he is made a tool of" by Hamilton. Knox was "a babbling fool," Edmund Randolph was "vacillating and double-minded," and Hamilton the "embodiment of intrigue and villainy." This mental exaggeration is excused in Jefferson by one of his biographers, on the ground that, like all other reformers, he was an enthusiast, and enthusiasm "ne-

cessarily heightens the colors of the objects upon which it glows." As applied to Jefferson, he says: "It comes from a concentration of all thoughts, feelings, desires, in short of the whole mind and heart, upon the one object. That object becomes a world to him. The different parcels of the scheme expand into great departments; the accessories spread out into immense provinces. The eye, fixed on these things, grows microscopic. Great mountains loom up from mole hills; awful tempests blow in zephyrs; a prodigious storm rages in the teapot."

Jefferson seldom or never engaged in controversy. At a time when the leading men of the day published pamphlets and filled newspapers with discussions of the more important questions before the public, especially those of a political character, Jefferson remained silent. The defense of his own measures he left to Madison or other of his supporters. The caustic essays published by Hamilton, under the name of Curtius and Camillus, greatly enraged Jefferson, but not daring to reply himself, he wrote commandingly to Madison requesting him "For God's sake take up your pen and give a fundamental reply to Curtius and Camillus." He was unable to reason logically, and this fact he sometimes admitted and regretted. Henry J. Raymond, the distinguished editor of the *New York Times*, in that portion of his diary published in *Scribner's Magazine* for November, 1879, relates a conversation he had with Daniel

Webster in 1848. Webster said that "Jefferson told him once that in very early life he resolved to have nothing to say to John Marshall, for he would get him to admit certain positions (which he could not question), and then he would lead him to conclusions which he would not believe and which he could not avoid. This, Webster said, was characteristic of Jefferson, who had no reasoning faculty, but who knew exactly how to touch the popular feeling, and was entirely unscrupulous in exercising that skill."

Jefferson was one of the most suspicious and credulous men of his age. He insisted that the religious sects were working to effect a connection between church and State, and that the Presbyterians were "panting to establish an inquisition." The most absurd gossip heard from guests at his own table was gravely accepted as important truth to be remembered. He carried this habit to a great length, though he condemned it in others. He censured General Lee for being "dirtily" engaged in sifting the conversation of his (Jefferson's) table, while it was his own constant practice to "dirtily" record the conversation of his own guests, especially such remarks as might at sometime be used to their injury.

Jefferson's best monument is found in his state papers. Though some of these — his correspondence as Secretary of State — he repudiates as being written under the dictation of Hamilton, to whose views he was compelled to give expression. A strange

avowal, and showing how strong was Jefferson's desire for official position, that he would continue in office under such humiliating, not to say degrading, conditions. His first inaugural address was a masterpiece; it presents the highest plane of statesmanship ever reached by Jefferson, and it soars almost into eloquence. It is the most conciliatory paper ever written by him. It was written to satisfy the Federalists, who had but recently placed him under great obligations to them. He wrote with fluency, if not with clearness, but had no capacity for public speaking. It is said he never made a speech. His philosophical writings were always plausible, while his political views were seldom practicable. This is best illustrated by his own administration of the government. It is a notable fact that scarcely one administrative measure was adopted, during the eight years of his presidency, that was not in direct opposition to his own avowed rules of constitutional construction.

The purchase of Louisiana, which was made by Monroe and Livingston, without his knowledge, was approved by him on the ground of necessity, though, he declared, without constitutional authority. His construction of the constitution forbade internal improvements by the general government, yet the Cumberland road was begun and partly completed with public money, and with his approval. His gunboat scheme, in which much money was

squandered, and which proved a total failure; the embargo and non-intercourse acts, pet measures of his own, wrought only disaster to the country and ridicule to their author, and were, by his own teachings, without constitutional sanction. And yet these were the leading measures of his administration.

At the end of four years Republican principles were obsolete, and the government was mainly administered on Federal principles. Hamilton never dreamed of a government more powerful or more arbitrary than the one over which Jefferson now ruled. Never had the constitution wider construction, or the executive greater power than was assumed by Jefferson and exercised in governing the territory of Orleans. The man who, out of office denounced all power, in office assumed and exercised unlimited power. Even Federal measures were adopted by Jefferson; the debt, the bank, the navy, were approved, and it seemed that all that went down with Adams in 1800, rose triumphant with Jefferson in 1804.

Aaron Burr, born at Newark, New Jersey, in 1756, was the only son of the distinguished Aaron Burr, President of Princeton College, and grandson of the still more distinguished Jonathan Edwards. A graduate of Princeton at sixteen, a student of law at nineteen, when the battle of Bunker Hill occurred, he closed his books and repaired at once to headquarters at Cambridge, arriving only a few days

after Washington had taken command. Volunteering as a private in the desperate expedition then just starting against Quebec, he shared in all the privations and sufferings of that famous march, through six hundred miles of unbroken wilderness, cheering and animating the men through every difficulty and danger, becoming, in fact, the sustaining spirit of that fatal expedition.

Arriving at Quebec, the young volunteer was chosen as the messenger to send to General Montgomery, at Montreal, a hundred and twenty miles away, to announce the arrival of the expedition and to ask his co-operation in the contemplated attack. Alone and in disguise he traveled the entire distance, through a hostile country, continually in danger of capture and death. He reached Montgomery in safety, and returned with that gallant commander and his reinforcements. Montgomery was so greatly attracted by the intrepidity and tact of the bright-eyed youth that he immediately appointed him an aid on his own staff, with the rank of captain. At the desperate and fatal attack made on the fortified heights at Quebec, on a December night, in the midst of a snow storm, the young captain led, at his own request, a forlorn hope of forty men. At the head of this force, in the face of the blinding storm, he climbed the difficult and dangerous path to the heights above.

When the attack was made, Burr, by the side of his general, with two other aids, an orderly sergeant and a guide, led the column. The British soldiers in the block-house, taken by surprise, fled in dismay. One soldier turned back for a moment to discharge his cannon, loaded with grape-shot and in position. This was perhaps the most fateful shot ever made; it killed the general and his entire advance party, excepting only Burr and the guide, and it lost to the colonists the entire province of Canada. The column halted, wavered, then precipitately fled, leaving the young captain alone by the side of the dead body of his commander. He would not leave him thus; slight and fragile though he was, the heroic boy gathered the stalwart form of Montgomery in his arms, and, staggering through the darkness and the storm, carried the remains of his general beyond the reach of the enemy's guns. Such gallant conduct deserved, as it received, the plaudits of the whole country.

This act of Burr's made so strong an impression on the minds of those who witnessed it, that it was never forgotten by them. Dr. Spring, who was a volunteer chaplain with Arnold's expedition, and was with Montgomery when the attack was made, in extreme old age visited his son, who was a clergyman in New York, and while there inquired about Burr. The son said Burr had lost caste, and advised the father not to call upon him. The old

gentleman promptly answered: "My son, I must see Burr before I leave the city. I went through the woods with him under Arnold. I stood by his side on the plains of Abram, and I have not seen him since the morning on which Montgomery fell. It was a heavy snowstorm. Montgomery had fallen. The British troops were advancing towards the dead body; and little Burr was hastening from the fire of the enemy, up to his knees in snow, with Montgomery's body on his shoulders! Do you wonder I wish to see him?" The old friends did meet and spent an evening together.

For his gallant conduct in this campaign Burr was promoted to the rank of major, and was invited to become a member of Washington's military family. Here his services, like Hamilton's, were those of a secretary; he ardently desired more active duties; he longed to be in the field where fighting was going on; the work of a secretary was irksome to him. Therefore ere long he resigned his staff appointment at headquarters, and joined General Putnam, then engaged in the defence of New York city. At this desertion Washington did not take umbrage; he rather commended the spirit of the young man who preferred to wield the sword rather than the pen. Burr was at Valley Forge, having been promoted to a lieutenant colonelcy, with the command of a regiment. At the battle of Monmouth he commanded a brigade under Lord Sterling,

and was reported by that officer as having greatly distinguished himself. He was for a short time in command at West Point. It was here he received the nickname of "Colonel Burr's son," by which he was for some time known in the army. He was but twenty-three years old and very youthful looking. A farmer called one day and asked to see the commandant, Colonel Burr. When Burr appeared the farmer said, "it is Colonel Burr I wish to see." "I am Colonel Burr," was the reply. "You," answered the farmer, "I would take you to be Colonel Burr's son." And with the soldiers he was ever after spoken of as "Colonel Burr's son."

In the winter of 1779, Colonel Burr was placed in charge of the Westchester lines, by Washington, with the remark that "the duties required in their discharge, prudence, activity and bravery," thus implying that he believed Burr possessed these qualities. The "lines" were a district lying between the contending British and American armies, a distance of some twenty miles. It was a district exposed to the worst ravages of war and where murder, rapine and lawlessness of every kind prevailed. It was Burr's duty to suppress all this and to restore order and good conduct among the inhabitants, who were about equally divided between Whigs and Tories. How Burr succeeded in this work is told at much length by Samuel Young, one of Burr's fellow-soldiers. Mr. Young's conclusion is as follows: "Hav-

ing perused what I have written, it does not appear to me that I have conveyed any adequate idea of Burr's military character. It may be aided a little by reviewing the effects he produced. The troops of which he took command were, at the time he took command, undisciplined, negligent and discontented. Desertions were frequent. In a few days these men were transformed into brave and honest defenders; orderly, contented and cheerful; confident in their own courage, and loving to adore their commander, whom every man considered as his personal friend. It was thought a severe punishment, as well as disgrace, to be sent up to the camp, where they had nothing to do but to lounge and eat their rations.

“During the whole of this command there was not a single desertion, not a single death by sickness, not one made prisoner by the enemy; for Burr had taught us that a soldier with arms in his hands ought never, under any circumstances, to surrender; no matter if he was opposed to thousands, it was his duty to fight. After the first ten days there was not a single instance of robbery. The whole country under his command enjoyed security. The inhabitants, to express their gratitude, frequently brought presents of such articles as the country afforded; but Colonel Burr would accept no presents. He fixed reasonable prices, and paid in cash for everything that was received, and sometimes I know that these payments

were made with his own money. Colonel Simcoe, one of the most daring and active partisans in the British army, was, with Colonels Emerick and Delancey, opposed to Burr on the lines, yet they were completely held in check. But, perhaps the highest eulogy on Colonel Burr is, that no successor could be found capable of executing his plans, though the example was before him. When Burr left the lines a sadness overspread the country, and the most gloomy forebodings were too soon fulfilled." Many other testimonials of Burr's "consummate skill, astonishing vigilance and extreme activity," by cotemporaries who wrote from personal knowledge, can be found, enough indeed to fill a volume. No soldier who marched and fought with Burr was ever known to speak ill of him, or failed to be his friend through life.

In the spring of 1779, his health failing, Burr wrote to Washington for leave of absence, to recruit his health, offering to remit his pay during such absence. Washington replied in a kind and friendly letter, granting the leave, but declining to permit the suspension of pay during his absence. Finding his health did not improve he resigned his commission, which was then that of colonel. Thus, after four years of service, Burr retired from the army and repaired to Albany to prepare for the practice of law.

Hamilton, at the outbreak of the war of the Revolution, organized a battery of artillery, and was

made its captain. Under his command, his guns did good service at the battle of White Plains, and again at Trenton and Princeton. The ability and activity displayed by the young captain soon attracted the notice of Washington, who early in 1777, invited him to become his military secretary and a member of his staff, with the rank of lieutenant colonel. The arduous and delicate duties of this position he discharged with consummate ability and to the entire satisfaction of the commander-in-chief, for the succeeding four years. This long and confidential relation was severed at length, perhaps by the fault of Washington. In a moment of anger, at some seeming disrespect from Hamilton, Washington reprimanded him. Hamilton promptly resigned. There was hot blood on both sides, for when Washington tendered reconciliation, Hamilton refused it. Hamilton retained his rank, but was attached to no military command, and was, therefore, without any position in the army. He applied to Washington for an assignment in accordance with his rank. Washington interposed objections. These Hamilton sought to remove, but failed. Hamilton then retired to Albany, and began the study of the law. One year later he again applied for a position in the line and was given an assignment, which, as he declared, was beneath his expectation, but he accepted, and in the following campaign led a brilliant and daring assault, capturing a redoubt at the siege

of Yorktown. This closed his services in the war of the Revolution.

As these young men had simultaneously entered the army, from which each retired with distinguished credit, so almost at the same time both began the practice of law in New York city. Before this each had married. Hamilton became the son-in-law of General Schuyler, and thus secured the influence of one of the most wealthy and powerful families in the State. Burr married a young widow, with no family connections of value. It was not long until the young colleagues at the bar, as they had been comrades in arms, marched side by side to the front rank of their profession. It is not the intention to follow these distinguished rivals through the public career of each, except where they come into contact. But it may not be amiss to give a brief mention to each. Hamilton at a very early age actively engaged in politics. Burr confined himself to his profession until nearly middle life. Both never served in the same official position. Burr gained higher rank, but Hamilton made the greater reputation. The official life of each was distinguished by ability and strict integrity. The genius displayed by Hamilton, as Secretary of the Treasury, made him, if not the greatest statesman of his age, at least the greatest this country had produced. He was undoubtedly the most brilliant, comprehensive and able writer of his day, and if not the greatest in eloquence and reason-

ing power, there were few who could claim precedence.

At the bar Hamilton and Burr stood in the front rank alone; no others approached them. They were rivals, but they were friends; each freely expressed admiration for the ability of the other. Both great, but with different methods. Hamilton's mind dwelt on general principles and largely ignored precedents. When the case permitted full play to his imagination, his eloquence was irresistible. The most eloquent effort of his life was when he attacked and overthrew the old legal dogma that in libel, "the greater the truth, the greater the libel." All his speeches were overflowing with words, not only in discussing the leading points, but in the minutest details. He discussed everything connected with a case, often obscuring the strong points by his elaborate presentation of the weak ones. But if his words were many, they were formed in the smoothest and most rhythmical of sentences. Burr's methods were different; he would select a few vital points for attack and demolish them in few words, but with such force and directness that a jury could not fail to understand him. [In regard to the use of text and precedent, Burr was undoubtedly the better lawyer. He often defeated Hamilton by his more dexterous use of court decisions. It was said that Burr never lost a case when he personally conducted it. This was, however, largely because of his rule

never to take a case unless he believed the right was with his client.

Hammond's History of Political Parties in New York quotes the opinion of General Erastus Root upon this subject. General Root, who knew both men well, is reported as saying: "As a lawyer and as a scholar Burr was not inferior to Hamilton. His reasoning powers were at least equal. Their modes of argument were very different. Hamilton was very diffuse and wordy. His words were so well chosen, and his sentences so finely formed into a swelling current, that the hearer would be captivated. The listener would admire, if he was not convinced. Burr's arguments were generally methodized and compact. I used to say of them, when they were rivals at the bar, that Burr would say as much in half an hour as Hamilton in two hours. Burr was terse and convincing, while Hamilton was flowing and rapturous. They were much the greatest men in this State, and perhaps the greatest men in the United States."

Burr was not only successful, in the highest degree, in his profession, but his domestic life was full of unalloyed happiness. His marriage was a surprise to all but those who most intimately knew him. A young man, twenty-six years old, handsome, cultured, well-born, of fascinating manners, and famous as a soldier; one who would have been gladly received into any of the wealthy and influential

families of the State, would be expected to promote his personal advancement in the selection of a wife. But Burr's bride was a poor widow, the mother of two romping boys, and of no family connection of any value whatever. She was not beautiful, she was almost plain, and she was ten years older than Burr. There must have been other fascinations than youth or beauty or wealth to captivate one so fastidious as Burr. And there were. She possessed a wondrous charm of manner, a pleasing grace of style, which Burr always declared were unexcelled by any other lady he ever knew. She was familiar with all the best literature of Europe, and spoke fluently most modern languages. Besides her graceful manners her mind was well stored with useful knowledge, and in all respects cultivated beyond that of most ladies of that day. She was kind and affectionate, and in the real sense religious. She writes Burr, commending religion, and says: "Worlds should not purchase the little I possess." Their married life lasted for twelve years, and they were years of unalloyed happiness for both. Their confidence in and devotion to each other were never for a moment disturbed.

Their devotion and affection for each other are better gathered from their correspondence during Burr's absences than from any other source. And of this there is a great store, for they wrote almost daily. Only a few paragraphs can be given, and

these simply to refute the oft-repeated calumny that Burr was unkind to his wife. Five years after their marriage, Mrs. Burr acknowledges the receipt of a delayed letter, and the joy of the whole household on receiving it. "What language," she exclaims, "can express the joy, the gratitude of Theodosia? Stage after stage without a line. Thy usual punctuality gave room for every fear; various conjectures filled every breast. One of our sons was to have departed to-morrow in quest of the best of friends and fathers. This morning we waited the stage with impatience. Shrouder went frequently before it arrived; at length returned—*no letter*. We were struck dumb with disappointment. Bartow set out to inquire who were the passengers; in a very few minutes returned exulting—a packet worth the treasures of the universe. Joy brightened every face; all expressed their past anxieties, their present happiness. To enjoy was the first result. Each made choice of what was best relished. Porter, sweet wine, chocolate and sweet-meats made the most delightful repast that could be shared without thee. The servants, who were made to feel their lord was well, are at this moment toasting his health and bounty; while the boys are obeying thy dear commands, thy Theodosia flies to speak her heartfelt joys:—her Aaron safe, mistress of the heart she adores; can she ask more? has heaven more to grant?"

Another paragraph will give her more usual style, in discussing passing events. Catharine of Russia was at the time creating great interest in the world. Mrs. Burr writes: "The Empress of Russia is as successful as I wish her. What a glorious figure will she make on the historical page! Can you form an idea of a more happy mortal than she will be when seated on the throne of Constantinople? How her ambition will be gratified; the opposition and threats of Great Britain will increase her triumph. I wish I had wit and importance enough to write her a congratulatory letter. The ladies should deify her, and consecrate a temple to her praise. It is a diverting thought that the mighty Emperor of the Turks should be subdued by a woman. How enviable that she alone should be the avenger of her sex's wrongs for so many ages past. She seems to have awakened Justice, who appears to be a sleepy dame in the cause of injured innocence."

[Burr's letters to his wife are filled with the ardor and devotion of a lover. He returns her warm affection in full, measure for measure. And thus for twelve years their happiness is uninterrupted. Then death came in its most terrible form to the wife and mother, the agony caused by internal cancer.] That Burr loved his wife to the last, that he was a true and faithful husband to her, can be asserted with great confidence, notwithstanding the calumnies of his political enemies. Parton upon this subject says:

Wife  
✓

“To the last, she was a happy wife, and he an attentive, fond husband. I assert this positively.” And again: “No one now lives who can, of his own personal knowledge, speak of the domestic life of a lady who died sixty-two years ago. But there are many who are still living, whose parents were most intimately conversant with the interior of Richmond Hill, and who have heard narrated all the minute incidents of the life led therein. The last of the old servants of the family died only a short time ago; and the persons best acquainted with the best part of Burr’s character are still walking these streets. His own letters to his wife — all respect, solicitude, and affection — confirm the positive asseverations of these. I repeat, therefore, that Mrs. Burr lived and died a satisfied, a confiding, a beloved, a trusted wife.”

Upon the death of his wife, Burr was left with an only daughter, described as “a rosy little girl of eleven,” and almost idolized by her father. She was unusually precocious, had mastered Latin, studied Greek, and conversed fluently in French before she was ten years old. He directed her studies, and endeavored to form her mind upon the highest models. He advised her in her every-day conduct with those about her. He tells her she must treat her governess with entire respect and all proper consideration. He says, “remember that one in the situation of madame has a thousand things to fret her temper; and you know that one out of humor

for any cause whatever, is apt to vent it on every person that happens to be in the way. We must learn to bear these things; and, let me tell you, that you will always feel much better, much happier, for having borne with serenity the spleen of anyone, than if you had returned spleen for spleen." This was certainly good advice. The plan of this work does not permit us to follow this gifted woman through her brilliant career, and to her sad and mysterious death. [But both her life and death had large control over the destiny of her devoted and stricken father.]

An anonymous writer says of this daughter: "From her earliest years he had educated her with a care to which we look in vain for a parallel among his contemporaries. She grew up, in consequence, no ordinary woman. Beautiful beyond most of her sex, accomplished as few females of that day were accomplished, she displayed to her family and friends a fervor of affection which not every woman is capable of. The character of Theodosia Burr has long been regarded almost as we would regard that of a heroine of romance. Her love for her father partook of the purity of a better world; holy, deep, unchanging; it reminds us of the affection which a celestial spirit might be supposed to entertain for a parent, cast down from heaven, for sharing in the sin of the 'Son of the Morning.' No sooner did she hear of the arrest of her father, than she fled to his

side. There is nothing in human history more touching than the hurried letters, blotted with tears, in which she announced her daily progress to Richmond; for she was too weak to travel with the rapidity of the mail. Even the character of Burr borrows a momentary halo from hers, when we peruse his replies, in which, forgetting his peril and relaxing the stern front he assumed toward his enemies, he labored only to quiet her fears, and inspire her with confidence in his acquittal. He even writes from his prison in a tone of gayety, jestingly regretting that his accommodations are not more elegant for her reception. Once, and once only, does he melt, and that is to tell her that in the event of the worst, he will die worthy of himself."

## CHAPTER II.

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### JEFFERSON AND HAMILTON.

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Burr's Election to the Senate—His Popularity with his Party—In Washington's Cabinet—A Mistake—Constant Contention—The President's Distress—His Difficulty in Reorganizing the Cabinet—Jefferson's Programme—Assails the Administration—Hamilton—Some of his Characteristics—Cause of his Mistakes.

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When Burr returned to civil life he was a mature man, five feet six inches in height, of slender but sinewy form, handsome features, with eyes bright, black and piercing. He settled in New York and engaged in the practice of law. His success was marvelous; he rose almost at a bound to the head of his profession, having no superior and no rival but Hamilton. At thirty-five years of age, at the head of the bar in New York, he had taken no interest in politics. It was scarcely known to which side he inclined. At that age, without solicitation and without consultation with Burr, the legislature elected him to the United States Senate to succeed General Schuyler, a leader of the Federalists and the father-in-law of Alexander Hamilton. This was the founda-

tion of Hamilton's antipathy to Burr. As a senator Burr ranked himself with the Republicans, and became at once the recognized leader of that party in the Senate. Of Burr's career as a senator we have little but tradition. The Senate during its first years met only with closed doors; no record of its debates was kept, and nothing but its bare journal was ever published. [But from Burr's prominence, on all leading committees, it may well be inferred that his ability was appreciated.]

Burr occupied almost exactly the same position in the Senate that Madison did in the House of Representatives. [Both, during Burr's term, were patriotic, conservative members of the Republican party.] Neither approved or joined Jefferson in his crusade against Washington's administration, both giving it support, though Madison afterward went over to Jefferson. [One incident shows Burr's great popularity and strength with his party during the time he held a seat in the Senate.] In 1794, Washington, learning that our minister to France, a prominent Federalist, was unpopular with the Republican government of that country, intimated to the Republicans here that if they would name one of their number he would appoint him to the French mission. Whereupon the Republican members of the two houses of Congress held a joint caucus and unanimously selected Burr for the position. A committee was appointed, of which Madison and

Monroe were both members, to wait upon the President and notify him of their choice. But Hamilton was then the ruling power in matters of this kind, and Washington declined to make the appointment. The committee returned and reported to the caucus the result of their application. The caucus sent the committee back to the President to renew their request. A second refusal was all that was obtained. The committee was then instructed to go to the President a third time, and say to him that Colonel Burr was the choice of the Republican Senators and Representatives, and that they would make no other nomination. This incident shows Hamilton's great influence with Washington, and Burr's extraordinary popularity with the Republicans in both houses of Congress.

It is sometimes said, in discrediting Burr, that Washington doubted his integrity. So he did, and so he doubted the integrity of Chancellor Livingston, who had been not only a signer of the Declaration of Independence, but one of the committee that reported it. So he doubted other prominent men of New York, and refused them appointments, because Hamilton chose to dislike them. John Adams was a Federalist President, and had presided over the senate for the entire six years that Burr was a member of that body. He had ample opportunity to judge Burr for himself. When President he wished to give him the appointment of brigadier general,

*Adams*  
*integrity*

but Hamilton interfered and prevented. Adams gives this account of his failure. Adams was President and had the sole right to make nominations, but, through a successful series of intrigues, Hamilton had succeeded in having himself placed in command of the army next to Washington, who was commander-in-chief. Hamilton incited Washington to claim the right to determine nominations for army appointments. This right Adams yielded to Washington, but it was exercised by Hamilton. Adams wished to make Burr a brigadier, but was denied the privilege. Adams says:

“I proposed to General Washington, in a conference between him and me, and through him to the triumvirate (Washington, Hamilton and Pinckney) to nominate Col. Burr for a brigadier general. Washington’s answer to me was: ‘By all I have known and heard, Col. Burr is a brave and able officer, but the question is whether he has not equal talent for intrigue.’” Adams adds: “How shall I describe to you my sensations and reflections at that moment? He had compelled me to promote over the heads of Lincoln, Clinton, Gates, Knox and others, and even over Pinckney, one of his own triumvirate (Hamilton), the most restless, impatient, artful, indefatigable and unprincipled intriguer in the United States, if not in the world, to be second in command under himself, and dreaded an intriguer in a poor brigadier.”

The sessions of the senate, during nearly all of Burr's six years' membership, were held strictly in secret. Burr had from the beginning advocated open sessions, but it was not until near the end of his term that the proposal carried. No reports of the debates were ever made, and, therefore, the oratory of the senators was lost to the world. Burr, however, was known to be the ablest debater in the senate, and when any great effort was to be made he was called to make it. On one occasion a reply to a speech of Rufus King became necessary, when John Taylor wrote Burr, saying: "We shall leave you to reply to King, first, because you desire it; second, all depends on it; no one else can do it, and the audience will expect it." But Burr's greatest effort, that which gave him most renown, was his speech in opposition to the ratification of Jay's treaty. Members who heard it never ceased to extol it. It was regarded as even exceeding in eloquence and argument the brilliant effort of Fisher Ames, on the other side of the same question, in the lower house of congress. In all Burr's six years in the senate no speech of his was ever reported or printed, and never but once while he was Vice-President did he have opportunity to make a speech. Like Patrick Henry's, his oratory lives only in tradition. ✓

While Burr and his work were buried from public view in the secret sessions of the United States Senate, Jefferson was prominently before the

country, as Secretary of State in the cabinet of Washington. To assume this position he had returned from the court at Versailles, thoroughly imbued with French jacobinical ideas. To the constitution which he at first condemned he afterward gave qualified approval, but still remained the leader of the faction which opposed it. Washington in assuming the presidency sought to become the president of the whole people, and not merely the leader of a party. He earnestly believed his great name and universal popularity would be able to reconcile all differences and unite the people in one grand American party.

With this view he brought into his administration, as his confidential advisers, the leading men of the opposing factions. Washington had been a successful soldier, he had been accustomed to discipline and command men, but he had no experience in political government, and knew nothing of the uncontrollable spirit and fierceness of political contention. His mistake was natural, but it was fatal to the peace of his administration and that of the country. There could be neither peace nor harmony between Jefferson and Hamilton. To this mistake must be attributed, not only the great unhappiness of the President, but also the creation of a party conflict, which for fierceness and bitterness has never been equaled, or even approached, under any other administration of our government.

Meeting daily in the cabinet of Washington, these distinguished rivals were in constant contention; they seldom agreed. Jefferson has recorded that "Hamilton and myself were daily pitted, in the cabinet, like two game cocks." They wrangled almost continuously, while their adherents among the people, taking up their quarrels, were aroused almost to a frenzy of passion and hatred. In these cabinet contests Hamilton was usually supported by Knox, and Jefferson by Randolph, making an equal division. Nothing was decided in council. Washington was, therefore, in this confusion of advice, compelled to decide for himself. And to the indignation of Jefferson he usually decided with Hamilton, because Hamilton was usually right and Jefferson was usually wrong.

One of Washington's chief desires was to establish, by this first administration, a strictly American policy for the new government. He wished to maintain an absolute neutrality in the affairs of all other countries. In this he had little encouragement from either of his leading advisers. Great Britain and France were engaged in deadly warfare, seemingly a war for the mastery, not only of each other, but for the entire continent of Europe. Hamilton's sympathies were strongly with England; Jefferson's entirely with France. Hamilton believed the British government the best in existence, and regarded the French revolution almost with horror. Jefferson

was heart and soul devoted to the French republicans, and urged intervention in their behalf. The views of these leaders were warmly espoused by their adherents among the people, and the whole country was wild with the controversy.

The great body of the common people, on this question, was almost entirely with Jefferson. They had not forgotten the assistance they received from France in their own struggle for self-government. They were, therefore, warmly enlisted in favor of the French republicans contending for self-government against a strong monarchical combination. In the earlier stages of this revolution, this feeling pervaded all classes and all parties in this country. It was not until the "reign of terror" disclosed the incapacity of the French people and the bloodthirstiness of their leaders, that a reaction in public sentiment, among the better class of people, appeared. Some of our thinking men had made early prediction of the failure of the French revolution. John Adams, at the commencement, declared that: "Diderot and D'Alembert, Voltaire and Rousseau, had contributed to this great event more than Sidney, Locke or Hoadley, perhaps more than the American Revolution," and says: "I know not what to make of a republic of thirty million atheists."

Washington wished to avoid entangling alliances with either country. He urged strict neutrality. The offensive coldness with which he received the

French minister Genet, aroused a storm of indignation from the adherents of Jefferson. The wildest scenes of excitement and tumult everywhere prevailed. Washington was denounced as a traitor, and his impeachment demanded by the furious mob. Adams and Hamilton, as well as many other prominent Federalists, scarcely dared to appear in public. John Adams afterward, in describing the frenzy of the mob at Philadelphia, then the capital, said: "You certainly never felt the terrorism excited by Genet, in 1793, when ten thousand people, in the streets of Philadelphia, day after day, threatened to drag Washington out of his house and effect a revolution in the government, or compel it to declare in favor of the French revolution and against England." He proceeds to tell how he procured arms from the government armory to defend his own house and protect his own person. There seemed to have been a wild delirium, an utter madness, universal among the French partisans in the country. Mistaking the strength and firmness of the government, and misled by the clamor of the opposition, the minister from France assumed dictatorial powers, and, appealing to the people, openly defied the administration.

Jefferson's position was singularly anomalous; as Secretary of State he was the organ of the administration in dealing with the French troubles. His own feelings were with the partisans of France

indeed he was their acknowledged leader, but in speaking for the administration he was compelled to condemn his own principles and reprove his own followers. In a letter to the President, Jefferson complains of this, and, after stating that his own system was to favor France in some things and meet the English with some restrictions, he says: "Yet the Secretary of the Treasury, by his cabals with members of the legislature, and by high toned declamation on other occasions, has forced down his own system, which is exactly the reverse. These views thus made to prevail, their execution, of course, fell to me, and I can safely appeal to you, who have seen all my letters and proceedings, whether I have not carried them into execution as sincerely as if they had been my own, though I ever considered them AS INCONSISTENT WITH THE HONOR AND INTEREST OF OUR COUNTRY."

Jefferson's complaint was well founded. The Secretary of the Treasury did, by "high toned declamation" and by other means, so defeat or thwart the wishes of the Secretary of State, in the work of his department, that Jefferson began to feel he was more under the orders of the Treasurer than of the Executive. That he rebelled and retaliated was but natural. The warfare between these officials then became personal, each determined to disgrace the other with the people and especially with the President. Jefferson established the *National Ga-*

Hamilton  
Jefferson

zette, with Freneau, a clerk from his own department, as editor, to systematically attack and abuse Hamilton and everything he did. Hamilton, also, under cover, fought back as viciously against Jefferson. The *Gazette* teemed with charges criminating Hamilton, and Hamilton replied as severely arraiging Jefferson. In conversation, Jefferson denounced Hamilton's system as embodying "principles adverse to liberty and calculated to undermine and demolish the Republic." He declared the Treasurer's report on manufactures was intended "to establish means of corruption, for the purpose of subverting, step by step, the principles of the constitution." Hamilton retorted by saying, as his measures were adopted and approved by the President, he did not understand how Jefferson could reconcile it to his conscience and to his sense of honor to remain a member of a government he believed to be so corrupt and disloyal.

The bitterness of this contention between members of his cabinet greatly distressed the President. To end it he wrote a letter of admonition to Jefferson, in which he "deplored the schism which had arisen in the cabinet," and while impressing upon the Secretary of State the necessity of forbearance, regretted "the attacks which had been made upon almost all the members of government and most of its executive officers." Washington also wrote to Hamilton in a similar strain, regretting the asper-

ities which existed between the Secretaries, and counselling mutual forbearance, adding: "How unfortunate if a fabric so goodly, erected under so many providential circumstances, and in its first stages having acquired such respectability, should by diversity of sentiments, or internal obstructions, to some of the acts of government, be brought to the verge of dissolution."

Both Secretaries replied almost immediately; each in an elaborate statement, excusing his own action and throwing all blame on the other, but neither promising to reform, though each expressed a willingness to retire from office. The tone and temper of Jefferson's reply may be gathered from the closing paragraph, in which he says: "That conscious of his title to esteem from his integrity and an enthusiastic devotion to the rights and liberty of his countrymen, he would not suffer his retirement to be clouded by the slanders of a man, whose history, from the moment at which history can stoop to notice him, is a tissue of machinations against the liberty of the country which has not only received and given him bread, but heaped its honors upon him." Jefferson also declared his intention to retire to private life, repeating what he always repeated when most earnestly planning for higher political position — his disgust for public employment, and that he was looking for retirement "with the longing of a wave-worn mariner."

Hamilton was less apologetic, he felt more certain of his standing with the President, and could, therefore, be more independent. He adroitly assumed that Jefferson was assailing the administration, and that he was engaged in defending it. He said: "It is my most anxious wish, as far as may depend upon me, to smooth the path of your administration, and to render it prosperous and happy. And if any prospect shall open of healing or terminating the differences which exist, I shall most cheerfully embrace it, though I consider myself as the deeply injured party." He again says: "I do not hesitate to say that, in my opinion, the period is not remote when the public good will require substitutes for the differing members of your administration." He admits with great frankness his own part in the controversy, and that if continued it must result in destroying the "energy of government," but expresses no desire to withdraw from it. His words are: "I cannot conceal from you that I have had some instrumentality of late in the relations which have fallen upon certain public characters, and that I find myself placed in a situation not to be able to recede for the present."

These differences and contentions between Jefferson and Hamilton soon led to party formation. The opposition to the administration discarded the name of anti-Federalist, and under the leadership of Jefferson formed an organization and assumed the

name of Republican. The mistake of associating these men in his administration was very early discovered by Washington. Instead of producing peace and harmony, their contact had widened party differences and aroused party passions, until all reason seemed dethroned. The retirement of Jefferson from the cabinet gave the President his first opportunity to correct his mistake and harmonize his administration. It was not until this attempt was made that Washington fully understood the real condition of the country and how thoroughly all good men were disgusted with party politics. So bitter had the persecution of the administration become, so persistently was it abused and vilified, that no man who cared for a good name dare risk the taking a position in the cabinet.

Mr. Randolph, the Attorney General, for a short time discharged the duties of Secretary of State, but soon retired in disgrace. Then "one after another of the best and strongest men was summoned to fill the vacant post. Not one of them had the courage to come." Mr. Patterson, Mr. King, Mr. Patrick Henry, Mr. Pinckney, Mr. Johnson and others, in turn, was offered the position and refused it. In one of the highest places under the government, in the administration with Washington at its head, no man of prominence dare risk his reputation. But the difficulty of securing a competent man for the State Department was only the beginning of Washington's trouble in reorganizing his cabinet.

The vacancy caused by Hamilton's retirement from the Treasury Department gave equal annoyance. Many were called, but none would come, and the President was at length compelled to promote Mr. Walcott from a subordinate position to the head of the department. Gen. Knox resigned from the War Department, and after many attempts to get a better man, Mr. McHenry was appointed. The President was compelled to take not only inferior men, but could have no choice in regard to location; they must come from where they could be found. John Adams, the vice-president, writing at that time, said: "The sure reward of integrity, in the discharge of public functions, is such obloquy, contempt and insult, that no man of feeling is willing to renounce his home, forsake his property and profession for the sake of removing to Philadelphia, where he is almost sure of disgrace and ruin." These facts, more than any words can express, show how vicious and venomous was the warfare waged against Washington's administration.

Jefferson's retirement from the cabinet was the signal for still more open and relentless war upon the administration, and, "the arrows, restrained within the quiver so long as he remained liable to be hit, were now drawn forth and sharpened for use even against Washington himself." On retiring from office, Jefferson announced his "plan of campaign." It is found in his report of the commercial

relations of this country with other countries. It was a bold move to overthrow the administration and its policy of neutrality, and would inevitably have resulted in the overthrow of the constitution itself. This was, undoubtedly, the great crime of the Jeffersonian programme, the disastrous results of which were only avoided by the more prudent counsels of Mr. Madison. Jefferson's policy would certainly have involved this country in the terrible contest then about to begin between the great European powers.

Washington seldom or never resented, in any public manner, the attacks made upon himself or his administration. The bitter persecutions which assailed him in the second term of his administration were left unnoticed, saying to a friend, "By the records of my administration and not by the voice of faction, I expect to be acquitted or condemned hereafter." He knew that the faction which so viciously assailed him was led and controlled by Jefferson. He knew that this arch enemy, among his particular friends denounced the President and his administration, but he made no murmur of complaint. Emboldened by this silence, Jefferson wrote the President disclaiming the authorship of some charges then recently published. Washington accepted Jefferson's denial, but closed his reply with the following paragraph: "To this I may add, and very truly, that, until within the last year or two, I

had no conception that parties would or even could go the length I have been witness to; nor did I believe until lately, that it was within the bounds of probability, hardly within those of possibility, that, while I was using my utmost exertions to establish a national character of our own, independent, as far as our obligations and justice would permit, of every nation of the earth; and wished by steering a steady course, to preserve this country from the horrors of a desolating war, I should be accused of being the enemy of one nation and subject to the influence of another; and, to prove it, that every act of my administration would be tortured, and the grossest and most insidious misrepresentations of them be made, by giving one side only of a subject, and that too in such exaggerated and indecent terms as could scarcely be applied to a Nero, a notorious defaulter, or even to a common pickpocket." This closed all correspondence between Washington and Jefferson; the repulse was complete and effective. Jefferson then knew how entirely Washington understood him and how thoroughly he despised him.

It is difficult at this day to understand the feeling which prompted this deliberate and persistent attempt to overthrow this first administration of our government, the trial administration under the constitution, indeed the test of the constitution itself. Its failure would have destroyed all hope of a permanent union and a successful republic. The

administration should have been sustained even if its errors were many and great. It should have been remembered that it was a test of man's capacity for self-government under a republican constitution, and it should not have been forgotten that there were no precedents to guide its action, for there had been nothing in all the past like the government just organized, nothing in ancient or modern times with which it could be compared. It was then the patriotic duty of every liberty-loving citizen to rally to its support, that a government by the people should be maintained. But Washington's mistakes were neither many nor great. Considering the difficulties which confronted him, and the dangers which surrounded him, seldom, if ever, has greater wisdom or sounder judgment been displayed in government, than was shown by the first President of this Republic. The furious opposition which so unceasingly assailed him was neither wise nor patriotic, and was entirely without excuse or reasonable pretext. The triumph of Washington over this opposition saved the Republic, and gave greater proof of genius as a statesman than the grandest victories in the field of war ever gained for him as a general. Great as he was in the camp, he was far greater in the cabinet.

What Jefferson had been to the administration of Washington, Hamilton became to the succeeding administration of John Adams, only that Jefferson fought out in the open field and Hamilton from am-

bush. There is no question of Hamilton's superior ability as a statesman. As Secretary of the Treasury no successor has equaled him. Upon this his fame is enduringly founded. But Hamilton's statesmanship failed in its higher aspirations, not from lack of ability, but from lack of a proper field of exertion. He was not a democrat; he had no confidence in the people, or in a government by the people. He did not believe any people anywhere was capable of self-government. He was all the time hampered by conditions he disapproved and by restraints which annoyed him. Had he lived in England, dealing with monarchical institutions, his genius would have illumined the brightest period of British statesmanship. But to found a government upon republican principles, where the people should be sovereign, was a work in which he had no heart; he could engage in it with no hope of success, with no spirit of enthusiasm.

As a member of the constitutional convention he was in constant irritation with its discussions, and his absence from its sessions was more frequent than his presence. He regarded its conclusions almost with dismay and gave his assent only from the sternest necessity. Yet with this view of the constitution he wrote a series of articles in favor of its adoption by the people, the most remarkable in strength of reasoning ever produced in any country or at any time. The younger Adams said: "Our constitu-

tion was extorted from the grinding necessities of a reluctant people." He might well have added, that to produce this result, never before had eloquence so commanding or argument so conclusive been extorted from the necessities of a reluctant statesman.

Brilliant as he was as a statesman, it is no injustice to Hamilton to say that as a politician he was a failure. He had no sympathy with the people and they had none for him. He never once held position through popular appointment. His official duties were discharged with consummate ability, strict integrity, and with most beneficial results to the country. Out of office his political action was almost always unfortunate, resulting in discredit to himself and disaster to his party. One of his warmest political and personal friends pronounced him "indiscreet, vain and opinionated." These faults led him into many questionable schemes from which his reputation suffered. His intrigues with the members of the cabinet of John Adams, for the purpose of thwarting the policy of the administration, and his personal attack upon the President to defeat his reelection, are evidences of something more discrediting than indiscretion or vanity, and produced results most serious to the administration and fatal to the Federal party.

In speaking of these and other moral and political delinquencies in Hamilton, Charles Francis Adams, in his biography of John Adams, says their

source "Is to be traced to a deficiency in early moral foundations, the effect of which, here and there, make themselves visible, breaking out of the folds of a noble nature, throughout his career, but especially toward its close. It was this which substituted the false idol of honor, as worshipped in the society of his day for the eternal law of God; which led him to justify himself against a charge of peculation of the public money at the expense of a public confession, of what to him seemed the more venial sin of aiding to destroy an immortal soul; which led him into the clandestine relations with the cabinet officers of Mr. Adams, and the ultimate breach of confidence he made such awkward attempts to hide, and that application to the upright John Jay, marked by the latter with so significant a condemnation."

Sad as was the close of his life, his death and the manner of it went far toward restoring Hamilton to the high position in public estimation he had so largely forfeited. In the loss of their most brilliant member, the enmity of the greater portion of his party was forgotten, while political opponents, under direction of a malignant leader, in a desire to disgrace his antagonist, joined loudly in the acclaim for Hamilton. This was largely the result of political feeling, which for a time obscured his faults and exalted his better nature. It was not based upon the whole or the true character. The illustration applied to Franklin may well, also, be applied to

Hamilton. "The temple of human nature has two great apartments—the intellectual and the moral. If there is not a mutual friendship and strict alliance between these, degradation to the whole building must be the consequence. There may be blots on the disk of the most refulgent luminary, almost sufficient to eclipse it. And it is of great importance to the rising generation in this country that they be put upon their guard against being dazzled by the surrounding blaze into an idolatry of the spots."

## CHAPTER III.

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### BURR AND HAMILTON.

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The New York Election — Burr's Careful Preparation — Burr's Success — Chagrin of Hamilton — His Dishonest Proposal to Gov. Jay, who Rejects the Proposition — Jefferson and Burr have Equal Vote — Election Referred to Congress — Burr's Refusal to Treat with Federalists — Jefferson Elected President — Burr Vice-President.

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His senatoral term gave Burr a taste for politics and created ~~an ambition~~ for political honors. He found, on retiring from the senate, the Republican party was strong in numbers, but without unity, without concert of action, and without proper organization — a mere mob. He resolved to organize this party, to give it discipline, and to prepare it for victory. The last election showed that the Southern States were reliably Republican, that the New England States were as reliably Federal. That victory, if achieved, must come through a political revolution of his own State of New York, which, under the brilliant leadership of Alexander Hamilton, was strongly Federal. This was the work Burr set for himself. It was thought to be impossible. Even Jefferson wrote him

in discouragement. But he would not be discouraged. He knew his own powers. He had faith in himself. It was the presidential election of 1800, and the contest was for members of the legislature, which appointed the presidential electors. The canvass was the most bitter known to the politics of this country. It was a hand-to-hand fight between Hamilton and Burr, with all the advantages with Hamilton.

Burr had commenced preparations for this contest soon after he retired from the senate, in 1797. He had not then taken part in any political campaign outside the city of New York, and had little acquaintance with the people of the state at large. He must, therefore, become acquainted with the people of the state. His first move was to have himself elected to the legislature. Here he came in contact with the representatives of the people from all the counties. The greater portion of the state was at that time new and peopled with its early pioneers. They did not have the advantages of city life; they did not have the advantages of schools, nor the polish of refined society. Their representatives did not make much show in the halls of legislation. But they were men of influence at home; they were the leading men of their counties. Their Federal fellow members neglected them, sometimes treating them with disdain. Here was a great field for Burr to work. He cultivated their acquaint-

ance; assisted them in securing such legislation as they wished for their localities. He prepared their bills and advocated them. He gratified their pride by making many prominent in the assembly. He would prepare some measure of importance and get a country member to present it as his own. (In this way he gained the friendship and support of leading men in every part of the state.) He was laying the foundation of party success, and he was making it solid and substantial.)

In this manner he brought to the support of the Republican party, and to his own leadership, great numbers of the voters of western and northern New York. So well had he prepared for the contest in 1800, that when the time came for that election he had confined the result in the state to the result in the city. If the city could be carried the state would be Republican. But New York city had given nine hundred Federal majority at the last election, and that was a large majority for a city of its size. Burr had prepared for this desperate fight with a determination to win. The election was for the legislature, which would choose the presidential electors. Burr fully appreciated the importance of a strong ticket, and he selected with care a ticket composed of the ablest and best known men of the city. He placed at the head of the list George Clinton, who had for many years been Governor of the State, followed by General Gates, Brockholdst

Livingston, and nine others of prominence and popularity. It seemed preposterous to ask these men to stand for the legislature, and no other man than Burr would have dared to do it. It shows his extraordinary powers of persuasion that he succeeded in obtaining their consent. This was a great stride, but it was only the beginning.

He caused lists to be prepared containing the names of all the voters in the city. To each name was attached not only the voter's opinions, but the zeal he exhibited in behalf of them, as well as his temperament, his health, his habits, which were all taken into account. Each voter's history was carefully inquired into, whether industrious or indolent, as well as his pecuniary means. No details were lacking. The assessment lists were carefully examined by Burr and corrected by him. Striking out the assessment against one, he would say this man will work well but will pay nothing; if we assess him he will take offense and leave us. To another name he would double the amount, saying this man will contribute liberally if we will excuse him from work. Thus everything was done under his own eye and by his own direction. The discipline he introduced was something never attempted before. Absolute obedience to the will of the majority was required, and that majority moved at the command of committees which concentrated all power in the hands of a few individuals.

The election began on the 29th of April and lasted through three days. During these days the efforts of Burr and Hamilton were unprecedented. All day and late into the night both men worked almost incessantly, addressing audiences in every part of the city. Sometimes they met upon the same platform, always treating each other with courtesy, but ever watchful for the least advantage. Before either slept on the third night the result was known, and Burr had won by 490 majority. Thus Burr had organized victory for the Republicans. He had given them their first success, a success which lasted for a quarter of a century, and for years after the Federal party had disappeared from the political contentions of the country. The result was a surprise to both parties, and was celebrated by the Republicans in every state with the wildest demonstrations of rejoicing. At that moment Burr was the most popular man in the country. He was even more popular with Republicans than was Jefferson. He had proved himself an able party leader. He had, in the language of a well known writer, "taught the Republican party how to conquer."

Hamilton's defeat was crushing; his private letters of that time show how damaging was the blow he received. He threw the blame of defeat upon Adams, whom he threatened to repudiate. He could not accept defeat, and to snatch the victory from the Republicans, he proposed a scheme which shows

how low he could descend in party intrigue for party gain. The existing legislature was Federal, its term did not expire for six weeks, but its final session had been held, and now its successor was elected. Hamilton wrote a long and pressing letter to Governor John Jay, urging him to call the expiring legislature to meet in special session, that it might provide for the election of presidential electors, in advance of the newly elected body. It was a base proposition, intended to defeat the wishes of the people. Governor Jay was a Federalist, but he would not listen to the suggestion. He filed the letter with this endorsement: "Proposing a measure for party purposes, which, I think, it would not become me to adopt." Hamilton's letter, first published in Jay's Works, after his death, is as follows:

"You have been informed of the loss of our election in this city. It is also known that we have been unfortunate throughout Long Island and in Westchester. According to the returns hitherto, it is too probable that we lose our senators for this district. The moral certainty, therefore, is that there will be an anti-federal majority in the ensuing legislature, and the very high probability is, that this will bring Jefferson into the chief magistracy, unless it be prevented by the measure which I shall now submit to your consideration, namely, the immediate calling together of the existing legislature.

"I am aware that there are weighty objections

to the measure, but the reasons for it appear to me to outweigh the objections; and in times like these in which we live, it will not do to be over-scrupulous. It is easy to sacrifice the substantial interests of society by a strict adherence to ordinary rules. In observing this, I shall not be supposed to mean that anything ought to be done which integrity will forbid, but merely that the scruples of delicacy and propriety, relative to a common course of things, ought to yield to the extraordinary nature of the crisis. This ought not to hinder the taking of a legal and constitutional step to prevent an atheist in religion, and a fanatic in politics, from getting possession of the helm of state.

“You, sir, know, in a great degree, the anti-federal party; but I fear you do not know them as well as I do. It is a composition, indeed, of very incongruous material; but all tending to mischief—some of them to the overthrow of the government, by stripping it of its due energies; others of them to a revolution, after the manner of Bonaparte. I speak from indubitable facts, not from conjectures and inferences. In proportion as the true character of the party is understood is the force of the considerations which urge to every effort to disappoint it; and it seems to me that there is a very solemn obligation to employ the means in our power.

“The calling of the legislature will have for its object the choosing of electors by the people in dis-

tricts; this (as Pennsylvania will do nothing) will insure a majority of votes in the United States for a Federal candidate. The measure will not fail to be approved by all the Federal party; while it will, no doubt, be condemned by the opposite. As to its intrinsic nature, it is justified by unequivocal reasons of public safety. The reasonable part of the world will, I believe, approve it. They will see it as a proceeding out of the common course, but warranted by the particular nature of the crisis, and the great cause of social order.

“If done, the motive ought to be frankly avowed. In your communication to the legislature, they ought to be told that temporary circumstances had rendered it probable, that, without their interposition, the executive authority of the general government would be transferred to hands hostile to the system, heretofore pursued with so much success; and dangerous to the peace, happiness and order of the country; that, under this impression, from facts convincing to your own mind, you had thought it your duty to give the existing legislature an opportunity of deliberating, whether it would not be proper to interpose, and endeavor to prevent so great an evil by referring the choice of electors to the people distributed into districts.

“In weighing this suggestion, you will doubtless bear in mind, that popular governments must certainly be overturned; and, while they endure, prove

engines of mischief, if one party will call to its aid all the resources which vice can give, and if the other (however pressing the emergency) confines itself within all the ordinary forms of delicacy and decorum. The legislature can be brought together in three weeks, so that there will be full time for the object; but none ought to be lost. Think well, my dear sir, of this proposition; appreciate the extreme danger of the crisis; and I am unusually mistaken in my view of the matter, if you do not see it right and expedient to adopt the measure."

This proposition from Hamilton to Jay, shameful and dishonest as it is, is characteristic of Hamilton's political practices. He had no scruples of conscience when assailing political opponents, and he had no epithets too strong with which to denounce them. As Jefferson insisted that the federalists were all monarchists, so Hamilton charged the Republicans with calling to their "aid all the resources which vice can give," and seemed utterly unconscious of the baseness of the proposition he made to a virtuous governor. Another characteristic of Hamilton, exhibited by this letter, is his total disregard of the people and their rights. It mattered not to him that his proposal ignored the wishes of the people as expressed at the recent election. He did not believe the people were competent to form wishes worth respecting. And never in his wide correspondence did he express any respect for the

popular will. In the determined fight he made against Burr and in favor of Jefferson, at the congressional election in 1801, never once did he urge the only real reason why Jefferson should be preferred — that the people intended he should have the first place. He believed the anti-federal party a composition of incongruous materials, "but all tending to mischief," and, therefore, no act to defeat it could be too base. What a contrast is presented between the views of the honest governor and the unscrupulous politician.

✓ (Burr's great personal popularity with his party, greatly increased by his successful management of the election campaign in 1800, clearly pointed him out as the proper candidate for vice-president by the Republicans.) Burr had before received this nomination from his party, when, in the summer of 1796, before his term of United States senator had expired, the first Republican caucus selected Jefferson and Burr as the party candidates for that year. But now he had won a victory not only for the Republicans of New York, but for the party in all the states. The enthusiasm with which his work was received, and his ability acknowledged, in his home city, is shown by a letter from Commodore James Nicholson, an active Republican of New York, to his son-in-law, Albert Gallatin, written a few days after the election.

He says: "That business has been conducted

and brought to issue in so miraculous a manner that I cannot account for it but from the intervention of a Supreme Power, and our friend Burr the agent. The particulars I have, since the election, understood, and they justify my suspicion. His generalship, perseverance, industry and execution exceed all description, so that I think I can say he deserves anything and everything of his country. \* \* \* I shall conclude by recommending him, as a General, far superior to Hamilton, as much as a man is to a boy." And, referring to the selection of a candidate for vice-president, he says: "George Clinton, with whom I first spoke, declined. He (Gov. Clinton) thinks Col. Burr is the most suitable person, and perhaps the only man for candidate for vice-president. Such is, also, the opinion of all Republicans in this quarter that I have conversed with; their confidence in Aaron Burr is universal and unbounded."

Not only in New York, but throughout the United States, the eyes of all Republicans were upon Colonel Burr as the proper associate with Mr. Jefferson upon the Republican presidential ticket. In nearly every state Republican meetings were held, at which resolutions of thanks were adopted, and speeches in praise of Colonel Burr were made, for the great ability he displayed in the management of the New York election. Full credit for unexpected success was awarded him, and without the intervention of caucus or convention, he was made the party

candidate for vice-president. This great popularity was made still more manifest when in the electoral colleges he received the vote of every Republican elector, without the loss of a single one, making his vote exactly equal with that of Mr. Jefferson.

In the electoral colleges Jefferson and Burr each received 73 votes, a larger vote than any other candidate received. But their vote was a tie, and neither was elected president. Under the Constitution at that time each elector placed two names upon his ticket; the one receiving the highest vote became president, the next highest vice-president. But here was an equal vote, and the House of Representatives must decide between them. The House was Federal, but the vote must be by states, and the division of states was uncertain. The Federalists determined to defeat Jefferson and elect Burr president. But Burr peremptorily declined any contest for the first place, and refused even to listen to the propositions of the Federalists. On the first ballot Jefferson received the votes of 8 states, Burr 6, and two voted in blank. For seven days they continued in session without result, until, on the 36th ballot, two states withdrew their opposition to Jefferson and elected him. Burr's integrity in this matter was tested to the utmost, and stood the test without a blemish. Under the most trying circumstances he proved true to his chief and loyal to his party. He had, unaided and alone, organized victory for the

Republican party, and won the battle which made Jefferson president.

The tie vote in the electoral colleges between Jefferson and Burr sent the election to the House of Representatives, there to be decided which should be president, the other to be vice-president. A majority of the members of the House was Federal, but the vote was to be taken by states, each state having one vote, determined by its delegation. There was a disposition, manifested from the first, on the part of the Federalists, to vote for Burr to defeat Jefferson. This intention was vigorously combated by Hamilton. Never perhaps in his life did he labor more earnestly to effect a purpose than in this effort to dissuade the Federalists from supporting Burr. He wrote vigorous and voluminous letters to leading men of his party denouncing Burr in character, in conduct, and in fame. But never once did he point out any specific act or word of Burr's to sustain his charges.

He argued, entreated and implored them to abandon Burr and vote for Jefferson, but entreated and implored in vain. Of the fifty-six Federalists in the House but one on any ballot, even the final one, voted for Jefferson. This overwhelming preference for Burr, on the part of the Federalists, and their utter disregard of Hamilton's pleadings, is the strongest possible evidence to prove they did not believe the character he gave Burr was the true one. The

Federal party of that day was composed largely of the best and purest men of the country. Men of intelligence, of integrity and of patriotism. Men who would not have given support to an unprincipled and corrupt man for any position, much less for the presidency of the United States. The fact that they did, with practical unanimity, support Burr, in the face of Hamilton's opposition, of itself proves they did not believe Burr was a corrupt or unprincipled man. Indeed they placed their support of him on grounds which imply their confidence in his honesty. Sedgwick writes to Hamilton that the Federalists prefer and support Burr because they believe "he holds no pernicious theories, and is a mere matter-of-fact man." This shows they had no faith in Hamilton's wild and unproven charges.

Mr. Bayard in his report to Hamilton of his own part in the election proceedings, says: "The means existed of electing Burr, but this required his co-operation;" failing to receive this he turned to Jefferson, with what success will be shown. A careful study of the whole proceedings shows that of the fifty-six Federalists in the House, there were only four who were willing to put the presidency up to bargain and sale to either of the candidates. But above all else is shown conclusively the strict personal integrity, and the strong party loyalty of Aaron Burr. No man was ever more severely tested than was he upon this occasion. The prize was the highest polit-

ical position to which the most unbounded ambition could aspire. It required but one word to attain it, and to attain it without the violation of constitutional form or of any legal enactment. It would have been approved by the great body of the people with rejoicing, and with murmurs by only a faction. Disloyalty to his party chief would have been the only wrong committed. But rather than do that wrong, Burr put aside the presidency of the United States. No instance can be named in history which shows more unyielding integrity, more deference to the will of the people, or more unselfish devotion to the party of his convictions.

This supreme act of unselfishness on the part of Burr, is in strict accord with the announcement he made in his letter to General Smith in the preceding December. He then knew of the equal vote for Jefferson and himself for the presidency, but he knew the people had intended that Jefferson should be president, and he then declared the people's will should prevail, and disclaimed all competition. Never for a moment did he waver in this resolution; the people's wishes must be obeyed; he freely submitted to their decision. In what sharp contrast is this action of Burr and that of Hamilton in opposing him? In all the scores of letters Hamilton wrote to his party friends, urging the election of Jefferson rather than Burr, he never in a single instance referred to the wishes of the people. He never once put the

question upon its proper ground, and urged that Jefferson should be preferred because such was the people's intention.

Hamilton did not prefer Jefferson because he thought him a man of greater integrity than Burr. On the contrary, he believed that Jefferson would be more open to approach, more ready to buy the Federal support, and would pay a better price. The tie was scarcely announced, the Federal opportunity hardly known, when Hamilton rushed to the front with a proposition to ignore Burr and buy Jefferson. He suggests it to Wolcott, in a letter dated December 17, 1800, so early that but few even of the leading men knew a tie had occurred. He pressed this purpose upon Bayard, upon Senator Ross, of Pennsylvania, and other prominent Federalists. He made extravagant demands upon Jefferson because he knew he would be willing to give an extravagant price for the presidency. And he was not mistaken. When it was found that Burr would not treat with the Federalists, would not even listen to their proposals, and Bayard, at last and with reluctance, turned his attention to Jefferson, he presented Hamilton's entire demand, and Jefferson eagerly accepted it, without question and without abatement.

This single fact, attested by the sworn statements of James A. Bayard and General Samuel Smith, the two men, one from each side, who conducted the negotiations, proves that Hamilton's judgment in

this matter was correct—Burr was incorruptible, Jefferson was not. Jefferson did not care how it was managed so he secured the prize; he did not therefore hesitate about the price to be paid. He gave all the “assurances” demanded, and left Bayard to execute his part of the contract in his own way. It was a contract repudiated by every Federal member of congress except Bayard and his three associates; the great body of the party in congress denounced it and continued to vote for Burr.

It is a mistake to suppose Hamilton ever had any real control over the Federal party. He was undoubtedly its most brilliant member, and his influence with Washington was almost unlimited, but he never was a favorite with the great body of the party. In New England, where Federalism was strongest, his personal following was very small. While his ambition led him to seek the highest position, his jealousy caused him to regard all who were preferred before him as personal enemies. It was a bitter disappointment to him that Adams was selected to succeed Washington, with scarcely a decent consideration of his own claims. He never forgave Adams, but resorted to inexcusable intrigue to ruin his administration and defeat his re-election. The utter and almost unanimous rejection of his advice to the members of the party in congress, to oppose the election of Burr, was perhaps the keenest disap-

pointment of his political life; it proved conclusively the frail hold he had on his party's confidence.

It left him in a state of despondency, and a more trifling evidence of a lack of authority, soon after, called from him a despairing letter to Gouverneur Morris, in which he said: "Mine is an odd destiny. Perhaps no man in the United States has sacrificed or done more for the present constitution than myself; and contrary to all my anticipations of its fate, as you know, from the very beginning. I am still laboring to prop the frail and worthless fabric. Yet I have the murmurs of its friends, no less than the curses of its foes, for my reward. What can I do better than withdraw from the scene? Every day proves to me more and more that this American world was not made for me." And in closing adds: "You, friend Morris, are by birth a native of this country, but by genius an exotic. You mistake if you fancy that you are more a favorite than myself, or that you are, in any sort, upon a theatre suited to you." When this letter was written—1802—Hamilton had no faith in the perpetuity of the "frail and worthless" constitution, or the intelligence of the people among whom genius existed only as a rare exotic. With such convictions it is not a wonder he never was a popular favorite. With all the grandeur of his genius, he owed high preferment almost solely to the friendship of Washington.

Hamilton's antipathy for Burr began with the election of Burr to the United States Senate in 1791. General Schuyler, Hamilton's father-in-law, and Rufus King were the first United States Senators elected from New York; Schuyler drew the short term of two years. It was supposed, without doubt, he would be re-elected at the end of his term in 1791. His high character, his known integrity, his important services during the war of the Revolution, all demanded his re-election. There was indeed no opposing candidate named or known. Senators were then elected by the legislature, and by an aye and nay vote, in the same manner that bills were passed. Schuyler's name was presented, the vote was taken, and the nays predominated in both houses. Schuyler was defeated. There was general surprise; the members themselves seemed astounded. There had been no opposition announced, and none was expected. No other candidate had been suggested, and no one knew who now to turn to. Finally a senator suggested Aaron Burr. A vote was taken in the senate, resulting ayes 12, nays 4. As soon as this action was known in the house, that body also voted on Burr, who received a majority of five votes, and was declared duly elected.

While this result gave general satisfaction, it was bitterly resented by Schuyler's personal friends. Hamilton, who was then Secretary of the Treasury, and needed a confidential friend in the senate, was

greatly hurt, and believed the election had been brought about by intrigue on the part of Burr. This was denied by all the members of the legislature, but in Hamilton's heart was implanted a bitterness against Burr which was never removed. He then entered upon a secret and persistent course of detraction against Burr, which ended only with his life, and this was so artfully pursued that almost to the end Burr did not suspect it.

By their neighbors and associates in the city, during this whole period, they were regarded as personal friends, differing only in their political contests. Their families were on terms of intimate social intercourse; the gentlemen dined frequently at each other's table, met often in society, and at short intervals in professional consultation. No suspicion was ever entertained by those among whom they mingled, that any feeling existed between them beyond that of friendly political and professional rivalry. With Burr this was true, with Hamilton it was rank duplicity. At that time this could not be known; it only became possible to know the real feelings of each since the publication of their private correspondence. In Burr's not one word in depreciation of Hamilton can be found, while Hamilton's correspondence shows a steady stream of detraction of Burr, for many years. It will be impossible in this volume to follow this stream from its source to its

final and fatal termination. A few examples of its tortuous course is all that can be given.

That Hamilton did not possess a high sense of the proprieties of social intercourse is shown by his own statement. Jefferson has been severely and justly censured for noting down the conversation of guests at his own table, to be used afterwards to their injury. Hamilton was guilty in the same line, only that it was his host's words he repeated to do him hurt. In the free and friendly intercourse of a private dinner, there is a rule observed by all honorable men, that the conversation and occurrences are not to be divulged in any way to the detriment of the guests. This rule is still more strictly binding upon the guest toward the host, who has in a spirit of friendship invited him to his table. Hamilton did not observe this rule, so generally adhered to by all men entitled to be called gentlemen. A single instance recorded by his son in his biography of his father, shows Hamilton's disregard of the proprieties of social life. In writing to a friend in disparagement of Burr, he says: "A recent incident will give you an idea of his views as to foreign politics. *I dined with him lately*; his toasts were, 'The French Republic,' 'The commissioners who negotiated the convention,' 'Bonaparte,' 'The Marquis La Fayette.' His doctrine is, that it would be the interest of this country to permit the indiscriminate sale of prizes by the belligerent powers, and the building and equip-

ment of vessels; a project amounting to nothing more nor less (with the semblance of equality) than to turn all our naval resources into the channel of France, and compel Great Britain to war. Indeed, Mr. Burr must have war, as the instrument of his ambition and cupidity. The peculiarity of the occasion will excuse my mentioning, *in confidence*, the occurrences of a private table." This was repeated in the same confidence to several other parties.

## CHAPTER IV.

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### HAMILTON AND JEFFERSON.

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Secret Detraction of Burr — Hamilton's Method — Judge Marshall's Reply — Hamilton's Duplicity — Hamilton's Attack on Adams — Intrigue Against Adams — The Three Ministers — Disastrous Results — Loss of Popularity — The Virginia Junto — Conspiracy Against Burr — Clinton and Hamilton join Jefferson — Correspondence — Burr and the Cabinet — Jefferson's Friendliness — Compliments Burr.

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At the second election for the presidency John Adams was again the candidate of the Federalists for vice-president. The anti-federalists were not united upon a candidate in opposition to Adams. Clinton, Jefferson and Burr were generally named as those from whom the selection would be made. Rufus King writes to Hamilton, under date of September 17, 1792, saying: "If the enemies of the government are secret and united, we shall lose Mr. Adams. Burr is industrious in his canvass, and his object is well understood by our anties. Mr. Edwards is to make interest for him in Connecticut, and Mr. Dallas, who is here, and quite in the circle of the governor and the party, informs us that Mr. Burr will be supported as vice-president in Penn-

sylvania." Burr was at that early day sufficiently prominent and respected by his party to be thus freely discussed as a probable candidate for the vice-presidency. This was in the second year of his senatorship. Clinton, however, became the regular party candidate. This letter from King greatly alarmed Hamilton, who could not endure the thought of Burr outstripping himself in political honors.

Hamilton began at once a secret system of undermining Burr's reputation with leading men of the country. Four days after the date of King's letter, he writes to a friend (unnamed by the editor of his works), and referring to Burr, says: "I fear the other gentleman is unprincipled, both as a public and a private man. When the constitution was in deliberation his conduct was equivocal; but its enemies, who, I believe, best understood him, considered him with them. In fact, I take it he is for or against nothing, but as it suits his interest or ambition. He is determined, as I conceive, to make his way to be the head of the popular party, and to climb, *per fas aut nefas*, to the highest honors of the state, and as much higher as circumstances may permit. Embarrassed, as I understand, in his circumstances, with an extravagant family, bold, enterprising, and intriguing, I am mistaken if it be not his object to play the game of confusion, and I feel it to be a religious duty to oppose his career." In conclusion he says: "I therefore commit my opinion to you without

scruple, but in *perfect confidence*. I pledge my character for discernment, that it is incumbent on every good man to resist the present design."

Five days after this last letter, he writes to another unnamed friend: "Mr. Burr's integrity as an individual is not unimpeached. \* \* \* As a public man, he is one of the worst sort. Secretly turning liberty into ridicule, he knows as well as most men how to make use of the name. In a word, if we have an embryo Cæsar in the United States, 'tis Burr." These letters were evidently for use in the eastern states, and that they were effective in injuring Burr is shown by a reply received from Rufus King, a few days later, in which he says: "Care has been taken to put our friends at the eastward on their guard." That they were untruthful and malicious, Hamilton himself furnishes the evidence. In less than three weeks, on the 15th of October, he writes again and says: "MY OPINION OF MR. BURR IS YET TO FORM, but according to the present state of it, he is a man whose only political principle is to mount, at all events, to the highest legal honors of the nation, and as much further as circumstances will carry him. Imputations, not favorable to his integrity as a man, rest upon him, but I do not vouch for their authenticity." A short time before, he gives his "*opinion without scruple*," and in the strongest possible language, and pledges his "character for discernment" to the truth of it, and a few days later

declares he has formed no opinion, and refuses to vouch for the truth of his former charges against Burr's integrity. It would be a bold man who, with this evidence before him, would vouch for Hamilton's sincerity.

Hamilton's habit was to write in bitter denunciation of Burr to those who did not personally know him, but in moderate or friendly terms when addressing men who did know him. Where he thinks he can do harm and not be betrayed, his denunciations are extreme; where it might become known to Burr, he has formed no opinion. When Burr was just commencing his public career, Hamilton was thus sowing the seeds of suspicion and prejudice against him throughout the country. Hamilton had begun this system of secret detraction in 1792, when Burr was first suggested as a possible candidate for the vice-presidency. For nine years he continued to assail Burr, but always under cover that Burr might not hear of it. His letters were usually marked "private" and his statements made "confidentially," and sometimes "very, very confidential." So fully were his followers imbued with his ideas and his epithets, that in abusing Burr they usually did it in Hamilton's own words. Hamilton's efforts against Burr culminated at the time of the election in 1801, when he made his supreme but unsuccessful attempt to induce the Federal members of congress to vote for Jefferson and against Burr.

He wrote not only to the members of congress but to almost all the leading Federalists of the country with the hope of bringing an outside pressure to bear upon the congressmen, and thus force an obedience to his wishes. But in this, too, he met with failure, though he poisoned the minds of many honest men against Burr. Among those to whom he wrote in abuse of Burr was Chief Justice John Marshall. Marshall wrote in reply: "Your representation of Mr. Burr, with whom I am totally unacquainted, shows that from him still greater danger than even from Jefferson may be apprehended. Such a man as you describe is more to be feared, and may do more immediate, if not greater, mischief. Believing that you know him well, and are impartial, my preference would certainly not be for him, *but I can take no part in this business.*" Judge Marshall was evidently disgusted with Hamilton's letter. His judicial mind saw at a glance that Hamilton's charges against Burr were unaccompanied with any proof, and Marshall always demanded the evidence before conviction. He would, therefore, have nothing to do in the business.

While Hamilton was flooding the country with his ~~denunciations of Burr, he was careful to keep Burr in profound ignorance of the fact.~~ This he admits, in a letter to Gouverneur Morris, written at the same time he had written to Marshall. In justifying his support of Jefferson, and claiming great

credit for doing so, he says: "If there be a man in the world I ought to hate, it is Jefferson, *with Burr I have always been personally well.*" He knew that with Burr he stood well, because he knew that Burr did not know of the duplicity he had for years been practicing toward him.

Hamilton was a loyal partisan only while he was the acknowledged party leader. He believed himself the only proper person for president, as Washington's successor. He was intensely jealous of John Adams, who also had aspirations for that honor, and when Adams was selected by the party as its candidate, he felt deeply wronged, and prepared himself to secretly fight the new administration. His personal influence over the cabinet, inherited by Adams from Washington, was almost unlimited. He was able to array three of the ministers against the president, and through these to thwart Mr. Adams in much of his policy. Toward the end of the administration, when it was known that Adams would be a candidate for a second term, his anxiety increased and his opposition became more direct and bitter. He wrote to a member of congress: "Were I to determine from my own observation, I should say, most of the most influential men of the Federal party consider Mr. Adams as a very unfit and incapable character. For my individual part, my mind is made up. I will never more be responsible for him by any direct support, even though the conse-

quence should be the election of Jefferson." And similar sentiments were expressed to other prominent members of the Federal party.

This planting of tares between Adams and many leading members of his party, at a time when he was the party candidate for the presidency, did not fully satisfy Hamilton's animosity. Hitherto he had not publicly assailed the president, nor did Adams know of his warfare upon him. Hamilton's rivalries, especially with Adams and Burr, were never kept within the limits of defensive, or even moderate, warfare, and yet they were in the main kept so closely under cover from the object of attack that he seldom knew he was being attacked. Hamilton had begun this method of undermining those he chose to consider rivals at a very early date. Governor Trumbull, of Connecticut, revealed an intrigue of Hamilton, at the first election of president, for the purpose of reducing Adams' vote, and, if possible, defeating him for second place. There was at that time no direct vote for vice-president. The electors placed two names on their tickets for president, the one having the highest number of votes, being a majority of all, became president, the next highest, though having only a plurality vote, became vice-president. At this election, however, Washington was in all minds the sole candidate for president; his name, it was understood, would be upon every ballot, and the only contest would be for second place.

Taking advantage of this method of voting, Hamilton, with a subtleness and insincerity for which he became noted in after years, began to express great concern over the uncertain prospects of Washington, and the brilliant prospects of Adams. He sent word to the southern states that Adams was likely to lead Washington at the north, and to his northern friends he said Adams was certainly ahead in the south. He therefore urged that a sufficient number of votes be withheld from Adams to make it certain that Washington would receive the greater number.

The trick worked well; to what extent it reduced Adams' total vote is not known, but it is certain he lost five votes in New Jersey and two in Connecticut by this means. Trumbull, in writing to Adams explaining his loss of two votes in Connecticut, says: "Many of your friends were duped on this occasion. I will inform you how it was managed in Connecticut. On the day before the election, Colonel Webb came on express to Hartford, sent, as he said, by Colonel Hamilton, who, he assured us, had made an exact calculation on the subject, and found that New Jersey was to throw away three votes, I think, and Connecticut two, and all would be well. I exclaimed against the measure, and insisted it was all a deception; but what could my single opinion prevail against an express, armed with intelligence and calculations? So our electors threw away two votes where they were sure they would do no harm." In

commenting on this conduct of Hamilton, McMaster, in his History of the United States, says: "It admits of but one explanation. His anxiety for the success of Washington was assumed. His calculation was a sham. He needed no calculation." Again, that he should "have really believed the south would choose Adams and reject Washington, is a supposition not to be entertained. The truth seems to be, he was bent on defeating Adams, and to do this made use of tricks and statements that have left a dark stain upon his character."

Hamilton had, through private and confidential correspondence, sought to influence local leaders. He now projected a document for circulation in particular sections, mainly in South Carolina, to be entitled "An Examination of Adams' Political Conduct." He submitted the draft to Wolcott and asked his opinion upon it. "What do you say to the measure," said Hamilton, "anonymous publications can now effect nothing. Some of the most delicate of the facts stated I hold from the three ministers, yourself particularly; and do not think myself at liberty to take the step without your consent. I never mean to bring proof, but to stand upon the credit of my own veracity." Wolcott was alarmed; some of the delicate facts stated were cabinet discussions and state secrets, which could be betrayed only by a cabinet minister. Their publication would disclose the fact that there were traitors in the cabinet.

Hamilton's promise not to call on "the three ministers" as witnesses, was not enough; it would still leave them under suspicion. Hamilton was resolved; he argued that "to suppress truths, the disclosure of which is so interesting to the public welfare, as well as the vindication of myself, does not appear to me justifiable."

Mr. Wolcott replied at much length, making some corrections, and closing as follows: "As to the measure itself, I can give no opinion. My feelings and individual judgment are in favor of it. I never liked the half-way plan which has been pursued. It appears to me that Federal men are in danger of losing character in the delicate point of sincerity. Nevertheless, when I consider the degree of support which Mr. Adams has already received; that our friends in Massachusetts say that they still prefer the election of Mr. Adams; that the country is so divided and agitated as to be in some danger of civil commotions, I cannot but feel doubts as to any measure which can possibly increase our divisions. You can judge of the state of public opinion in the eastern states better than I can. If the popular sentiment is strong in favor of Mr. Adams,—if the people in general approve of his late public conduct, or if there is a want of confidence, for any reason, in General Pinckney, I should think the publication ought to be suppressed; on the contrary, if the publication would secure votes for General Pinckney,

and procure support to him in case he should be elected, it would certainly be beneficial. Notwithstanding your impression to the contrary, I am not convinced that Mr. Adams can seriously injure your character." This view of the proposed measure is certainly the correct one; Hamilton may claim it was in vindication of himself; Wolcott saw clearly it was only an electioneering scheme to get votes, at the expense of Adams, for Pinckney, and that it might prove disastrous to the party. The result showed Wolcott was wiser than Hamilton; it proved fatal to the party and disastrous to Hamilton.

John Adams did not know that Hamilton was so bitterly and vindictively opposing his election; he did not know, though he strongly suspected, the existence of a conspiracy in his own cabinet against him. For the confirmation of this suspicion, he was indebted to Aaron Burr. Hamilton's pamphlet, which was to defeat Adams, was, as we have seen, to be printed confidentially and distributed only in localities where it could be made useful in promoting the interests of Pinckney — mainly in the southern states. Burr learned that the paper was being printed; he at once made arrangements for securing an advance copy. When obtained, he saw the advantage of making it public. Copious extracts were made and published in the Republican papers. The bomb exploded in the Federal ranks with terrific effect. The excitement was intense; the bad faith

of Hamilton to his party and the party's candidate was severely denounced. Colonel Troup, of New York, writing to Rufus King, under date of November 9, 1800, and referring to this pamphlet of Hamilton, said: "The general impression at Albany among our friends, was that it would be injurious, and they lamented the publication of it. Upon my return home, I find a much stronger disapprobation of it expressed everywhere. In point of imprudence it is coupled with the pamphlet formerly published by the General respecting himself, and not a man in the whole circle of our friends but condemns it. The impression it has made among our friends in other states I have not yet learned. Our enemies are universally in triumph. I have little or no doubt the letter will lay the foundation of a serious opposition to General Hamilton amongst the Federalists, and that his usefulness hereafter will be greatly lessened. Noah Webster is open mouthed against him."

Again, on December 31, 1800, Colonel Troup writes to Mr. King, and says: "The influence of this letter upon Hamilton's character is extremely unfortunate. An opinion has grown out of it, which at present obtains almost universally, that his character is radically deficient in discretion. Hence he is considered as an unfit head of the party."

This deliberate and characteristic attempt, by secret means, to destroy the reputation and defeat

the election of his party's candidate for the presidency, and thereby causing the utter overthrow of his party's supremacy, has no parallel in political history. And it is all the more indefensible, coming, as it did, from a man who aspired to the leadership of the party. The blow was propelled by vindictive jealousy, its direct results were disastrous, it defeated John Adams for the presidency, and it utterly destroyed the Federal party, while in its reaction it brought political disgrace to Hamilton. He never recovered from the crushing condemnation of his party.

Jefferson was then president and Burr vice-president; the acknowledged chiefs of the Republican party, equally honored and esteemed. But this did not long continue. There was formed in the State of Virginia a coalition of Republican politicians, known at that day as the "Virginia Junto." Its purpose was to make Virginia the dominating State, and to hold the presidency among themselves. It was arranged that Jefferson should have a second term, to be followed by Madison or Monroe. Virginia's position at that time made these plans feasible, if one obstacle could be removed. And that was Aaron Burr. As it stood then, Burr's chances to succeed Jefferson seemed greater than Jefferson's had been to succeed John Adams. Burr must, therefore, be disposed of; his career must be checked. It would not do to attack him openly; he would be in-

vulnerable in a fair fight. They must act secretly, in the meantime deceiving him with professions of friendship. The scheme adopted was to destroy Burr's influence in his own State. For this purpose secret negotiations were entered into with George Clinton, of that State, proposing an alliance which would give Jefferson a second term and make Clinton Burr's successor in the vice-presidency.

This was a shrewd move, for the Clintons were a powerful family, which had long held the important state offices and were not well pleased that Burr had stepped in before them. An agreement was soon reached, and work was quietly begun by the parties to the compact. Burr did not even suspect the intrigue until its purpose was accomplished. Even then he did not fully understand the situation.

Frank and fearless himself, he was not suspicious of others, and especially he did not suspect such ingratitude on the part of the president. It was not against Burr's vices, but his influence, the conspiracy was arrayed. His great popularity with the party, the general expectation that he would succeed Jefferson, the familiarity with which he was spoken of as the "heir apparent," all convinced Jefferson he must drive Burr out of politics, or he must prepare to retire himself. With Burr out of the way he would have no rival, no one to dispute his dictatorship within the party. When this conclusion was reached, Jefferson did not hesitate; his course was

settled. He quietly, but with determination, began his work; with no scruples of conscience to deter, he sought the most certain means for destroying the man who blocked his way. Jefferson was too skilled an intriguer to permit his plans to be made known only to those who were selected to help execute them. From Burr it was of the highest necessity to keep them profoundly secret. Indeed, he increased his apparent friendliness for the vice-president, and invited him more frequently to dine with him.


George Clinton, so long Governor of New York, had been the candidate for vice-president in 1796, on the ticket with Jefferson, and was defeated by Jefferson's election to that office. This defeat, which the governor attributed to Jefferson's unfairness, so irritated Clinton he became a bitter personal enemy of Jefferson. It was this personal enemy which the plans of the president required him now to conciliate. Jefferson was equal to the occasion; he knew the weakness of the old governor and he knew well how to play upon it. He "dangled" the vice-presidency before his eyes, until Clinton forgot his enmity, smoothed his outraged feelings toward Jefferson, and eagerly accepted the bait. Another accomplice was necessary, a man who was both a personal and political enemy of the president, who had loaded him with every obnoxious epithet he knew or could invent. But Jefferson knew he hated Burr more in-

tensely than he hated himself. Jefferson could offer him no political preferment, but he could offer him what he would prize far more highly — revenge on Burr. Hamilton gladly joined the conspiracy. Never before had a triumvirate been formed from such hostile elements, and never had men conspired to accomplish a baser purpose.

Of this conspiracy to remove Burr from the political pathway of Jefferson, Henry Adams, in his history of the United States, says: “In the face of all this provocation the vice-president behaved with studied caution and reserve. Never in the history of the United States did so powerful a combination of rival politicians unite to break down a single man as that which arrayed itself against Burr, for, as the hostile circle gathered about him, he could plainly see not only Jefferson, Madison, and the whole Virginia legion, with Duane and his *Aurora* at their heels; not only DeWitt Clinton and his whole family, with Cheatham and his *Watchtower* by their side; but strangest of all companions — Alexander Hamilton himself joining hands with his own bitterest enemies to complete the ring.” Again Mr. Adams says: “All the world knew that not Cheatham, but DeWitt Clinton thus dragged the vice-president from his chair; and that not Burr’s vices but his influence made his crimes heinous; that behind DeWitt Clinton stood the Virginia dynasty dangling

Burr's office in the eyes of the Clinton family and lavishing honors and money on the Livingstons."

That Jefferson, at this time, had a good opinion of Burr, that he admitted his integrity and respected his ability, is shown by his own correspondence. The conspiracy entered into between Jefferson and the Clintons, of New York, to drive Burr from the political field, was only an intrigue to remove a rival from their paths, and was an admission of Burr's great strength and popularity with the people. Jefferson feared him as a rival for the succession to the presidency; he had but recently declared that he regarded Burr as a man of talents, integrity and of great and deserved personal popularity with his party. At this time he did not intend to pursue Burr beyond the line necessary for his own protection in political life, but this Jefferson knew would require a great effort, therefore it was that "never in the history of the United States did so powerful a combination of rival politicians unite to break down a single man."



Jefferson was a member of Washington's cabinet during the first two years of Burr's senatorial term, but there is no evidence of any intimate acquaintance between them during that time. Their first correspondence was invited by Jefferson, in a letter written to Burr on the 17th of June, 1797, soon after Jefferson became vice-president and Burr had retired from the senate. This letter was long and friendly

throughout. It begins as follows: "The newspapers give so minutely what is passing in congress, that nothing of detail can be wanting for your information. Perhaps, however, some general view of our situation and prospects, since you left us, may not be unacceptable. At any rate, it gives me an opportunity of recalling myself to your memory, and of evidencing my esteem for you." This would show, at least, that whatever acquaintance had before existed between them, Burr had secured the esteem of Jefferson, and created in the latter a desire for a friendly correspondence. The correspondence thus opened by Jefferson was mutually continued in a spirit of friendship until the election in 1801, when Jefferson became president and Burr vice-president.

After the election of 1800, when the result was sufficiently known to make it certain that Jefferson and Burr were both elected, Jefferson wrote Burr a congratulatory letter, under date of December 15th, 1800, a part of which is as follows: "While I must congratulate you, my dear sir, on the issue of this contest, because it is more honorable, and, doubtless, more grateful to you than any station within the competence of the chief magistrate; yet, for myself, and for the substantial service of the public, I feel most sensibly the loss we sustain of your aid in our new administration. It leaves a chasm in my arrangements which cannot be adequately filled up. I had endeavored to compose an

administration whose talents, integrity, names and dispositions should at once inspire unbounded confidence in the public mind, and insure a perfect harmony in the conduct of the public business. I lose you from the list, and am not sure of all the others. Should the gentlemen who possess the public confidence decline taking a part in their affairs, and force us to take persons unknown to the people, the evil genius of this country may realize his avowal that he will beat down the administration."

In this Jefferson pays Burr the highest possible compliment. He intended, if Burr had failed in his candidacy for the vice-presidency, to invite him to a seat in the cabinet, to become a member of "our new administration," and he regrets to have lost him from the list of those whose "talents, integrity, names, and dispositions should inspire unbounded confidence in the public mind." Jefferson afterward gave a further reason for having destined Burr to a high position in his administration. It was, he says, "out of respect for the favor he had obtained with the Republican party, by his extraordinary exertions and successes in the New York election in 1800." He then knew and acknowledged Burr's great personal popularity with his party, and the obligation the party and himself were under to Burr for the party triumph in 1800. Burr, almost alone and unaided, had organized victory for the Republi-

cans in the pivotal State of New York, and thus secured the election of Jefferson to the presidency.

Jefferson's last letter to Burr was dated February 1st, 1801, a few days before the election in the House of Representatives, and after the Federalists had declared their intention to support Burr. It is, in full, as follows: "It was to be expected that the enemy would endeavor to sow tares between us, that they might divide us and our friends. Every consideration satisfies me that you will be on your guard against this, as I assure you I am, strongly. I hear of one stratagem, so imposing and so base, that it is proper I should notice it to you. Mr. Munford, who is here, says he saw, at New York, before he left it, an original letter of mine to Judge Breckenridge, in which are sentiments highly injurious to you. He knows my hand writing, and did not doubt that to be genuine. I enclose you a copy taken from the press copy of the only letter I ever wrote to Judge Breckenridge in my life; the press copy itself has been shown to several of our mutual friends here. Of consequence, the letter seen by Mr. Munford must be a forgery, and if it contains a sentiment unfriendly or disrespectful to you, I affirm it solemnly to be a forgery; as also if it varies from the copy enclosed. With the common trash of slander I would not think of troubling you; but the forgery of one's handwriting is too imposing to be neglected. A mutual knowledge of each other furnishes us with

the best test of the contrivances which will be practiced by the enemies of both. Accept assurances of my high respect and esteem."

Throughout their entire correspondence, Jefferson never varied from the assertion that he regarded Burr with the highest possible respect. If these were not his real sentiments, if he was at the same time assuring others that Burr was not trustworthy, we leave it to his friends to characterize his conduct. Burr then had no cause to suspect that Jefferson was not his friend, for Jefferson's assurance of friendship had been constantly given. These letters from Jefferson to Burr are found in Jefferson's published correspondence. They show conclusively that up to their final election to the presidency and vice-presidency, in 1801, Jefferson had the utmost respect for Burr's ability, integrity and general trustworthiness. That he placed him among the strongest and most popular men of his party, one of those he had proposed for a seat in his cabinet, and to whom he could look with confidence for wise counsel in the administration of the government.

It cannot be supposed, then, that it was from any want of confidence in Burr's capacity, honesty or faithfulness to party principles, that he organized an opposition to Burr for the purpose of driving him out of political life. It was rather because these characteristics of Burr were known and acknowledged, not only by himself, but by the Republicans

generally. He had at the recent electoral election received an equal vote with Jefferson for the presidency. It was acknowledged that his personal efforts at the popular election in New York had, despite Hamilton's best endeavors, defeated the Federalists in that state, and thereby secured a republican victory in the nation. He was generally named by men of all parties as "the heir apparent" to the presidency. Jefferson feared him as a rival likely to deprive him of a second term in office. These were the motives which induced Jefferson to organize a conspiracy, the most powerful and unprincipled known in history, as arrayed against a single man. It was not an open, manly fight thus put up against Burr; the conspirators worked in secret, and while their chief directed all their movements, he redoubled his friendly attentions to their victim. Burr was invited and dined at the White House twice a month. He had no reason to suspect the duplicity and ingratitude of his host.

## CHAPTER V.

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### BURR — JEFFERSON — HAMILTON.

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Charges Against Burr — The Election Intrigue, 1801 — Burr's Refusal to Treat With Federalists — Jefferson Buys His Election — Depositions of Bayard and Smith — A Scheme to Elect Burr — He Rejects It — Bayard's Displeasure — Jefferson's Trouble in Making Payment — Revolt of His Friends in Philadelphia — Importing a Post-master to New York.

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No serious charge of improper conduct could be brought against Burr, and nothing of that kind was attempted. Duane was watchful, but he found only trifling causes of complaint. Burr was invited by Gouverneur Morris and attended a banquet given in honor of Washington on his birthday. This was made the subject of special attack. He was charged with having abandoned the simplicity of republicanism, and of pandering to the forms of Federalists. But one charge could be brought against him in the discharge of his duties as vice-president. Under the administration of John Adams an act had been passed by Congress dividing the country into national judicial districts, in which United States district judges had been appointed by President Adams. The tenure of office of these judges was for life or good behavior.

They could not be removed by President Jefferson. They were Federalists. Thereupon the Republicans determined to repeal the law creating the districts, and thus legislate the judges out of office, then re-enact the law, when the president could appoint new judges from his own party friends. Burr dissented from this course, because, as he explained, he thought it morally wrong to remove these men from offices to which they had been appointed for life or good behavior, solely on the ground of their political convictions. On a motion to commit the bill to a committee for amendment, supported by the Federalists and opposed by the Republicans, there was a tie vote. The vice-president voted with the Federalists in the affirmative. It was not an important vote, and did not in the end defeat the enactment of the bill. But it gave Duane and the Virginia conspirators a pretext for assailing Burr, and it was used unsparingly by their New York allies.

The opportunity, long waited for by the conspirators, for making a united and open attack upon Burr came when, in February, 1804, the Republicans of New York nominated him as their candidate for governor. The Clinton faction in that state had been quietly organizing and secretly preparing for the contest. The leaders and their hirelings now came forth into the open day with their carefully prepared calumnies to overwhelm Burr. They employed and set to work a number of most scurrilous

newspapers. Chief among these was one edited by a foreigner named Cheatham, who assailed Burr with the vilest calumny and venom. The more respectable papers warmly defended Burr. Among these was the *Morning Chronicle*, edited by Dr. Peter Irving, an elder brother of Washington Irving, the author. But it was said, "Dr. Irving, contending with such a fellow as Cheatham, labored under the crushing disadvantage of being a gentleman and a scholar." The better class of people, led by the better class of newspapers, was amazed at the vileness and baseness of Burr's assailants.

The leading charge, in fact the almost sole charge, urged against Burr, and the one which bore him down in the end, was that he intrigued with the Federalists, for their votes, at the election in the house of representatives, in 1801. This is perhaps the most generally believed and most hurtful charge ever brought against Burr, unless possibly the charge of treason afterward preferred. We will be pardoned, then, if we enter fully into an investigation of the subject and see if it can be sustained. It must be remembered that this charge was not made until more than three years after the election in the house of representatives, and then in an exciting political contest between the Clintons and Burr in New York. The *American Citizen*, a newspaper in the interest of the Clintons, and edited by an Englishman named Cheatham, hired to do the dirty work of the canvass,

originated the charge of intrigue. Cheatham's character was bad, and he was entirely irresponsible. Mr. Parton, in his life of Burr, thus notices this charge; he says: "Cheatham's main charge may be divided into two counts: first, that Colonel Burr intrigued for Federal votes; second, that he intrigued for Republican votes. Than the first count, no accusation made against a politician was ever so slenderly supported by evidence, or refuted by evidence so various, so unequivocal, so lavishly superfluous in quantity. In the course of the discussion which arose, every person who *could* have been concerned in the alleged intrigue — Burr's intimate friends, the leading Federalists, members of the house who held optional votes — denied in terms positive and unequivocal, in the public press and over their own signatures, that they had either taken part in, or had any knowledge of, any intrigue or bargain between Colonel Burr and the Federalists, or between the friends of Colonel Burr and the Federalists, during the period referred to, or at any time preceding it."

A specific charge was that David A. Ogden had negotiated between the Federalists and Burr. He published a card in the *Morning Chronicle*, in which he said: Two or three Federal members of congress had instructed him to see Burr and ascertain whether he would consider terms. He did so; but Burr, he says, would not consider the matter. "He

would neither hear nor propose terms." And Ogden so reported. In every specific case named, without a single exception, the person named made positive denial of the charge. Edward Livingston, John Swartwout, William P. Vanness, Matthew L. Davis, and many others who were in position to know if any intrigue had been attempted on the part of Burr, denied through the public press that, to their knowledge or belief, any effort of the kind had been made. Even Alexander Hamilton published a card in the *Evening Post*, in which he declared he did not believe Burr had any negotiations with the Federalists. James A. Bayard, the leader of the Federalists, and General Samuel Smith, the leader of the Republicans in the House, each published a card in the public papers, that they had neither knowledge nor belief that Burr had made any effort, directly or indirectly, to promote his own election or to defeat Jefferson. While all this flood of proof of Burr's innocence was flowing in from every quarter, not one particle of proof, not a single witness to sustain Cheatham's charge, was produced by himself or by any one for him. He simply iterated and reiterated his charge, day after day, depending on the maxim of some politicians, that a lie well stuck to is as effective as the truth.

It was also shown that during the entire session of Congress, at which the election was held, Burr was at Albany, New York, 400 miles away, attend-

ing to his duties as a member of the legislature. To argument, to solemn deposition, to circumstantial affidavit, Cheatham's only response was endless reiteration of the charge, and that only. For awhile Burr maintained his usual silence against all newspaper attack; but at length he wrote a brief letter to his friend, Governor Bloomfield, of New Jersey, in which he said: "You are at liberty to declare from me that all those charges and insinuations which aver or intimate that I advised or countenanced the opposition made to Jefferson pending the late election and balloting for president; that I proposed or agreed to any terms with the Federal party; that I assented to be held up in opposition to him, or attempted to withdraw from him the vote or support if any man, whether in or out of Congress—that all such assertions or intimations are false and groundless."

The bitterness of party passion, which raged at that time to an extent which can scarcely find credence at this day, prevented all attempts to establish the truth in the minds of the great mass of the people. Cheatham's unsupported assertions outweighed the most circumstantial and positive denials of every man who *could* have known the truth. For a time the excitement abated, but only to revive again at the state election two years later. At length it was determined that this charge should be legally investigated and established, or laid at rest

by formal and legal evidence in a court of justice. A suit was, therefore, commenced in the Supreme Court of the city of New York, based on these charges, and an issue made up for trial. The parties to the suit were James Gillespie, plaintiff, and Abraham Smith, defendant. Leading lawyers were employed to conduct the investigation. A commission was appointed to take the depositions of such witnesses as resided without the jurisdiction of the court, and interrogatories were prepared to be answered by the deponents. The commission was appointed on the 3d day of April, 1806. Among the witnesses examined were two to whose testimony the very highest importance was attached. These were Jamss A. Bayard, of Delaware, and General Samuel Smith, of Maryland. Both at the time of testifying were United States Senators, and both at the time of the election were members of the House of Representatives, in which Bayard was the leader of the Federalists and Smith the leader of the Republicans. No negotiations could have taken place, of this nature, without the knowledge of these men. We will then, for the sake of brevity, confine ourself to the depositions of these important witnesses, though we may say that no word impeaching or contradicting the evidence was given in the case. We will give first what they have to say about Burr, to be followed by what they have to say about another important personage.

Among the interrogatories propounded to Mr. Bayard was this one: "Do you know, or have you heard so that you believe, of any negotiations, bargains or agreements, in the year 1800 or 1801, by or on behalf of the said Aaron Burr, or by and on behalf of any other person, and whom, with the parties called Federal or Republican, or either of them, or with any individual, and whom, of the said parties, relative to the office of President of the United States? If yea, declare the same, with all the particulars thereof, and the reasons of such belief."

The answer of Mr. Bayard is as follows:

"To this interrogatory the deponent answers and says: I do not know, nor did I ever believe, from any information I received, that Mr. Burr entered into any negotiation or agreement with any member of either party in relation to the presidential election which depended before the House of Representatives."

[In a previous deposition he says: "I repeatedly stated to many gentlemen, with whom I was acting, that it was a vain thing to protract the election, as it had become manifest that Mr. Burr would not assist us, and as we could do nothing without his aid. I expected, under the circumstances, if there was any latent engines at work in Mr. Burr's favor, the plan of operation would be disclosed to me; but, although I had the power, and threatened to

terminate the election, I had not even an intimation from any friend of Mr. Burr's that it would be desirable to them to protract it. I never did discover that Mr. Burr used the least influence to promote the object we had in view. And being completely persuaded that Mr. Burr would not cooperate with us, I determined to end the contest by voting for Mr. Jefferson. \* \* \* I have no reason to believe, and never did think that he interfered, even to the point of personal influence, to obstruct the election of Mr. Jefferson or to promote his own."]

The deposition of Mr. Bayard was taken by the commission appointed for that purpose at the city of Washington on the 13th day of April, 1806.

The deposition of General Samuel Smith was taken by the same commission at the same place, on the 15th day of April, 1806. We give that portion which relates to the charge against Aaron Burr. General Smith testifies:

"I became acquainted with Colonel Burr sometime in the Revolutionary war.

"I know of no agreement or bargain in the years 1800 and 1801, with any person or persons whatsoever respecting the office of president in behalf of Aaron Burr, nor have I any reason to believe that any such existed.

"I received a letter from Colonel Burr, dated, I believe, December 16th, 1800, in reply to one I had

just before written him. The letter of Colonel Burr is as follows:

X { 'It is highly improbable that I shall have an equal number of votes with Mr. Jefferson; but if such should be the result, every man who knows me ought to know that I would utterly disclaim all competition. Be assured that the Federal party can entertain no wish for such an exchange. As to my friends, they would dishonor my views and insult my feelings by a suspicion that I would submit to be instrumental in counteracting the wishes and expectations of the people of the United States. And I now constitute you my proxy to declare these sentiments if the occasion should require.' "

General Smith adds: "My correspondence with him continued to the close of the election. In none of his letters to me, or to any other person, that I saw, was there anything that contradicted the sentiments contained in that letter."

This is the testimony of the two men who had better opportunity to know the facts than any other two men in the country — indeed, no intrigue could have existed, or have been effective, without their knowledge and assistance, yet both swear that to their knowledge or belief no such intrigue was ever made or attempted on the part of Burr. Could anything be more positive, more explicit or more conclusive than this vindication of Aaron Burr from the charge of intrigue in that election? Well may

Mr. Davis, the biographer of Burr, say, after summing up the testimony: "It has been seen that whenever and wherever the charge was rendered tangible by specification, it was met and repelled. For a refutation of the general charge, Mr. Bayard and Mr. Smith's testimony is sufficiently explicit. Concurring testimony could be piled upon pile; but if there remains an individual who will not be convinced by the evidence which has been produced, then that individual would not be convinced, 'though one would rise from the dead' and bear testimony to the falsity of the charge."

The purpose at this time is simply the vindication of Aaron Burr from the charge of intrigue in the election of president by the House of Representatives in 1801. We think we have fully accomplished that purpose; but the evidence we have been considering presents other matter intimately connected with the charge against Burr which it would not be proper to pass in silence. Both Bayard and Smith, in their sworn statements, in which they were required to tell the whole truth, have detailed a transaction which seems to have had direct and controlling influence upon the result of that election. In the same deposition from which we have quoted, and in answer to a different interrogatory, Mr. Bayard thus deposes:

"To the fifth interrogatory he answers and says: I presume this interrogatory points to an occurrence

which took place before the choice of president was made, and after the balloting had continued for several days, of which I have often publicly spoken. My memory enables me to state the transaction in substance correctly, but not to be answerable for the precise words which were used upon the occasion. Messrs. Baer and Craik, members of the house of representatives from Maryland, and General Morris, a member of the house from Vermont, and myself, having the power to determine the votes of these States, from similarity of views and opinions during the pendency of the election, made an agreement to vote together. We foresaw that a crisis was approaching which might probably force us to separate in our votes from the party with whom we usually acted. We were determined to make a president, and the period of Mr. Adams' administration was rapidly approaching.

“In determining to secede from the opposition to Mr. Jefferson it occurred to us that probably instead of being obliged to surrender at discretion, we might obtain terms of capitulation. The gentlemen whose names I have mentioned authorized me to declare their concurrence with me upon the best terms that could be procured. The vote of either of us was sufficient to decide the choice. With a view to the end mentioned, I applied to Mr. John Nicholas, a member of the house from Virginia, who was a particular friend of Mr. Jefferson. I stated to Mr.

Nicholas that if certain points of the future administration could be understood and arranged with Mr. Jefferson, I was authorized to say that three States would withdraw from an opposition to his election. He asked what these points were. I answered: First, sir, the public credit; secondly, the maintenance of the naval system; and, lastly, that subordinate public officers, employed only in the execution of details established by law, shall not be removed from office on the ground of their political character, nor without complaint against their conduct. I explained myself that I considered it not only reasonable, but necessary, that offices of high distinction and confidence should be filled by men of Mr. Jefferson's choice. I exemplified by mentioning, on the one hand, the offices of the secretaries of state and treasury, foreign ministers, &c., and on the other, the collectors of ports, &c. Mr. Nicholas answered me that he considered the points as very reasonable; that he was satisfied that they corresponded with the views and intentions of Mr. Jefferson, and that he knew him well; that he was acquainted with most of the gentlemen who would probably be about him and enjoy his confidence in case he became president, and that if I would be satisfied with his assurance, he could solemnly declare it as his opinion that Mr. Jefferson, in his administration, would not depart from the points I had proposed. I replied to Mr. Nicholas that I had not the least doubt of the sin-

cerity of his declaration, and that his opinion was perfectly correct; but that I wanted an engagement, and that, if the points could in any form be understood as conceded by Mr. Jefferson, the election should be ended, and proposed to him to consult Mr. Jefferson. This he declined, and said he could do no more than give me the assurance of his own opinion as to the sentiments and the designs of Mr. Jefferson and his friends. I told him that was not sufficient—that we should not surrender without better terms. Upon this we separated, and I shortly after met with General Smith, to whom I unfolded myself in the same manner that I had done to Mr. Nicholas.

“In explaining myself in relation to the offices alluded to, I mentioned the offices of George Latimer, collector of the port of Philadelphia, and Allen McLane, collector of Wilmington. General Smith gave me the same assurance as to the observance by Mr. Jefferson of the points which I had stated, which Mr. Nicholas had done. I told him I should not be satisfied or agree to yield till I had the assurance of Mr. Jefferson himself, but that if he would consult Mr. Jefferson and bring the assurance from him, the election should be ended. The General made no difficulty in consulting Mr. Jefferson, and proposed giving me his answer the next morning. The next day, upon our meeting, General Smith informed me that he had seen Mr. Jefferson and stated to him the points mentioned, and was authorized by him to say

that they corresponded with his views and intentions, and that we might confide in him accordingly. The opposition of Vermont, Maryland and Delaware was immediately withdrawn, and Mr. Jefferson was made president by the vote of ten States."

That portion of the deposition of General Samuel Smith, taken in the same case and in answer to the same question, and sworn to on the 15th day of April, 1806, is as follows:

"On the day after I held the conversation with General Dayton, I was asked by Mr. Bayard to go into the committee room. He then stated that he had it in his power (and was so disposed) to terminate the election, but he wished information as to Mr. Jefferson's opinion on certain subjects, and mentioned, I think, the same three points already alluded to as asked by Colonel Parker and General Dayton, and received from me the same answer in substance, (if not in words,) that I had given to General Dayton. He added a fourth, to-wit: 'What would be Mr. Jefferson's conduct as to the public officers?' He said he did not mean confidential officers, but by elucidating his question, he added, such as Mr. Latimer, of Philadelphia, and Mr. McLane, of Delaware. I answered that I never had heard Mr. Jefferson say anything on that subject. He requested that I would inquire and inform him the next day. *I did so.* And the next day, (Saturday,) told him that Mr. Jefferson had said that he did not think that

such officers ought to be dismissed on political grounds only, except in cases where they had made improper use of their offices to force the officers under them to vote contrary to their judgment. That as to Mr. McLane, he had already been spoken to in his behalf by Major Eccleston, and from the character given him by that gentleman, he considered him a meritorious officer; of course that he would not be displaced, or ought not to be displaced. I further added that Mr. Bayard might rest assured (or words to that effect) that Mr. Jefferson would conduct, as to these points, agreeably to the opinions I had stated as his. Mr. Bayard then said, 'we will give the vote on Monday,' and then separated.'"

These are the sworn statements of the two active agents in the negotiation. Their testimony is harmonious, full, positive and conclusive. There was intrigue in the election of 1801, but it was on the part of the candidate elected on that occasion, and not on the part of the one defeated. How did Mr. Jefferson meet this charge, so damaging to his reputation? He met it with denial in private, but with absolute silence in public. While all the actors in the transaction were still living, he made no public denial of the charge, demanded no investigation, sought no vindication in any manner. He buried his denial in his private journal, where no eye could see it but his own, and where it quietly slept for a quarter of a century, and was first brought to the

light of day when his works were published, in 1830, four years after his death.

It seems he attributed the taking of Bayard's deposition to Burr, and getting into a towering passion, he goes to his journal and writes some strictures of that gentleman for conduct which had occurred on some former occasion, and closes as follows: "I did not commit these things to writing at the time, but I do it now, because, in a suit between him and Cheatham, he has had a deposition of Mr. Bayard taken, which seems to have no relation to the suit, nor to any other object than to calumniate me. Bayard pretends to have addressed to me, during the pendency of the presidential election, in February, 1801, through General Samuel Smith, certain conditions on which my election might be obtained, and that General Smith, after conversing with me, gave answers from me. This is absolutely false. No proposition of any kind was ever made to me on that occasion by General Smith, nor any answer authorized by me. And this fact General Smith affirms at this moment."

This entry in his journal was made by Jefferson on the 15th day of April, 1806, two days after Bayard's deposition was taken, and on the very day that General Smith was stating, under oath, that he did take a proposition from Bayard to Jefferson, and returned an answer from Jefferson to Bayard. Thus, at the "moment" when Jefferson was referring to

Smith as a witness to sustain his denial of Bayard's statement, Smith was testifying against him and in support of Bayard. Jefferson never, in the twenty years that he lived after this, attempted to vindicate his reputation from this damaging attack. But when his journal was indiscreetly published, with his other works, in 1830, this entry came to light. Mr. Bayard was then dead; of the three others who acted with him in the negotiation with Jefferson only George Baer, of Maryland, was living. But Baer came promptly to the defense of Bayard, and writing to Bayard's sons, said, under date of April 19, 1830: "I have no hesitation in saying that the facts stated in the deposition of your father, the late James A. Bayard, so far as they came to my knowledge, are substantially correct; and although nearly thirty years have elapsed since that eventful period, my recollection is vivid as to the principal circumstances, which, from the part I was called upon to act, were deeply graven on my memory." He also says, in referring to the election: "Having received assurances from a source on which we placed reliance, that our wishes with regard to certain points of Federal policy in which we felt a deep interest would be observed, in case Mr. Jefferson was elected, the opposition of Vermont, Delaware and Maryland was withdrawn."

During the continuance of the balloting in the house of representatives Bayard made regular re-

port to Hamilton. Soon after the election was decided he wrote a full report explaining and excusing his refusal to accept Hamilton's advice to reject Burr and vote for Jefferson from the start. This letter is found in Hamilton's works, VI., 522, and is as follows: "Your views in relation to this election differed very little from my own, but I was obliged to yield to a torrent which I perceived might be diverted, but could not be opposed.

"In one case I was willing to take Burr, but I never considered it as a case likely to happen. If by his conduct he had completely forfeited the confidence and friendship of his party, and left himself no resort but the support of the Federalists, there are many considerations which would have induced me to prefer him to Jefferson. But I was enabled soon to discover that he was determined not to shackle himself with Federal principles; and it became evident, that if he got in without being absolutely committed in relation to his own party, that he would be disposed and obliged to play the game of McKean upon an approved plan and enlarged scale.

"In the origin of the business I had contrived to lay hold of all the doubtful votes in the house, which enabled me, according to views which presented themselves, to protract or terminate the controversy. This arrangement was easily made, from the opinions readily adopted from the consideration,

that representing a small state, without resources which could supply the means of self-protection, I should not dare to proceed to any length which would jeopardize the constitution or the safety of any state.

“When the experiment was fully made, and acknowledged upon all hands to have completely ascertained, that Burr was resolved not to commit himself, and that nothing remained but to appoint a president by law, or leave the government without one, I came out with the most explicit and determined declaration of voting for Jefferson. You can not well imagine the clamor and vehement invective to which I was subjected for some days. We had several caucuses. All acknowledged that nothing but desperate measures remained, which several were disposed to adopt, and few were willing openly to disapprove. We broke each time in confusion and discord, and the manner of the last ballot was arranged but a few minutes before the ballot was given. Our former harmony, however, has since been restored.

“The public declarations of my intention to vote for Mr. Jefferson, to which I have alluded, were made without a general consultation, knowing that it would be an easier task to close the breach which I foresaw, when it was the result of an act done without concurrence, than if it had proceeded from one against the decision of the party. Had it not

been for a single gentleman from Connecticut, the eastern states would finally have voted in blank, in the same manner as was done by South Carolina and Delaware; but because he refused, the rest of the delegation refused; and because Connecticut insisted on continuing the ballot for Burr, New Hampshire, Massachusetts and Rhode Island refused to depart from their former vote.

“The means existed of electing Burr, but this required his coöperation. By deceiving one man (a great blockhead), and tempting two (not incorruptible), he might have secured a majority of the states. He will never have another chance of being president of the United States; ~~and~~ ~~as~~ ~~so~~ little use he has made of the one which has occurred gives me but an humble opinion of the talents of an unprincipled man.”

Mr. Bayard seems to have been wrought up into great passion at the conclusion of his letter, because Burr would not consent to accept the presidency of the United States on the terms proposed by Bayard, of deceiving one man and corrupting two others. Mr. Bayard did not seem to notice the grandeur of the position taken by Burr when he refused the presidency rather than consent that a wrong might be done. Was Burr's conduct that of “an unprincipled man”? Does it not rather refute the scores of calumnies, founded upon his want of principle, put in circulation against him by Hamilton, Jefferson and others?

Mr. John C. Hamilton, in his History of the Republic, (the life and works of his father, Alexander Hamilton,) gives the foregoing letter from Bayard to Hamilton, to show that Burr positively refused to enter into negotiations with the Federalists, or to make any attempt in any way, to secure their votes at the election by the house of representatives. He then proceeds to show by the depositions of Bayard and Smith, that Jefferson did bargain with them and pledged himself to maintain certain Federal principles, and to retain in office certain Federal office holders, in return for which the contracting Federalists were to withdraw their opposition to Jefferson, and that through this bargain Jefferson was elected. He also gives the evidence complete which exonerates Burr from any attempt to secure Federal support at the election by the house, and then, (Vol. 7, page 462,) proceeds as follows:

"The course of Jefferson is placed beyond all doubt by evidence which is wholly irresistible, part of it given under oath, and in direct contradiction of his own recorded statement. The testimony of Bayard is full and explicit, that Jefferson was required to give the assurance of his support of the public credit, the maintenance of the naval system, and that subordinate public officers, employed only in the execution of details, established by law, should not be removed from office on the ground of their political character, nor without complaint against

their conduct; that he, Jefferson, the points mentioned having been stated to him, authorized the assurance to be given that these views corresponded with his views and intentions, and that they might confide in him accordingly; that the opposition of Vermont, Maryland and Delaware was immediately withdrawn and Jefferson was made president. This statement is confirmed by that of a member from Maryland, that the Federalists also received assurances from a source on which they placed reliance, that their wishes with regard to certain points of Federal policy in which they felt a deep interest would be observed, in case Jefferson was elected; and that in consequence of such assurances he was elected.

“Gouverneur Morris was supposed to enjoy the confidence of his relative, the member from Vermont, who finally withdrew. A letter from him to Pickering shows, that he also, *previous* to the election, required and obtained from Jefferson, assurances as to his policy.

“These statements, corroborated by other facts, render futile every attempt to controvert the allegation that he consented to adopt the cardinal objects of the Federal policy, and abandon his opposition to them, as the price of office.”

It is certainly proved conclusively that Jefferson did agree to support, “as the price of office,” three of the cardinal principles of the Federal party — the

financial system, the maintenance of a navy, and the policy of neutrality with other countries, and in addition made the promise of permitting all but the leading Federal office holders to remain in office. It is only justice to Jefferson to say that in great part he observed this contract strictly. His administration was conducted in its main features on Federal lines, and the retention of Federal office holders was quite general. Whether he had become convinced that Federal doctrines were correct, or was only paying in good faith the price promised for his election, he certainly made a radical departure from nearly all the positions he occupied before the election.

He paid the price agreed upon, but he had much difficulty sometimes in doing it. One instance will illustrate: Jefferson in his negotiations with Bayard had expressly agreed to continue George Latimer, the collector of the port at Philadelphia, in that office. Latimer was an ultra Federalist, and had been active at all elections for his party, and was therefore much disliked by all Republicans. Much of the rejoicing in that city over the result of the late election was due to the belief that Latimer would be dismissed and a Republican given his place. Several Republicans made early application for the place, backed by letters from their friends. But the President showed no sign of taking action. Latimer remained in position. A delegation was sent to Washington to urge the collector's removal,

but no satisfactory result was accomplished; the collector smiled and continued in the discharge of his official duties. At length all patience was exhausted, and it began to dawn upon the disgusted Republicans of Philadelphia, that Latimer, for some reason, had a stronger "pull" on the President than they had. They became indignant, meetings were held, largely attended, at which the President was roundly abused. They were furious, and threatened a revolt. Still the President refused to act and the collector refused to resign. It greatly annoyed Jefferson, but he dare not explain, and to remove the obnoxious collector would have caused an explosion which would have exposed his sale of the office to the Federalists.

Another very similar case occurred in New York. It became necessary to secure the vote of that state to Jefferson, that Theodorus Bailey, a member of congress, from an interior district, should be induced to change his vote from Burr to Jefferson. In return for his doing this the agents for Jefferson offered him the choice of all the Federal offices in the state. Bailey accepted the offer and voted for Jefferson. Afterward when he called to receive his pay the President was astounded when he asked the appointment of postmaster in New York City. "It is impossible," said Jefferson. "I dare not go outside the city for that appointment; my friends there would be indignant if I did." "It is written in the

bond," answered Bailey, "that I might choose from all the Federal offices in the state, and I have chosen." Bailey was made postmaster of New York City, though his residence was a hundred miles away.

The evidence proves conclusively that Burr was free from all taint of intrigue with the Federalists, or anybody else, in connection with the election in the house of representatives for president in 1801. And it is just as conclusively proven that Jefferson did make pledges to certain Federalists for the purpose of buying off their opposition, and that by this means, and this alone, he secured his election to the presidency in 1801. In the language of Mr. Jefferson, "Nothing is so desirable to me, as that after mankind shall have been abused by such gross falsehoods as to events while passing, their minds should at length be set to rights by genuine truth." Modern historians, moved by the above sentiment, are beginning to set to rights the gross falsehoods with which the minds of men have been so long abused, and to tell the "genuine truth" about Jefferson and Burr. McMaster, in his History, Vol. II., page 525, gives a brief summary of this election intrigue. He says:

"James Bayard, of Delaware, was the Federal chief. At the opening of the contest he first made sure of the doubtful votes, and, holding the result of the election in his hand, began to consider the fitness of giving it to Burr. It was expected that Burr

would pledge himself to Federal measures in return for Federal support. *He would not*; and Bayard, aided by Hamilton, spent all his energies in persuading the Federalists to make Jefferson their choice. The task was a hard one. Caucus after caucus was held, only to break up in discord and confusion. The final arrangement was in consequence of assurances from Jefferson that the wishes of the Federalists corresponded with his own; that he would preserve the navy; that he would maintain the public credit; that he would not remove any of the host of petty office holders merely because they had, in the late campaign, been faithful to the Federal cause. The *price settled*, the Federal members from Maryland, Delaware and Vermont cast blank ballots, and the Republicans secured ten states." ~~Thus it was that Thomas Jefferson bought his election to the presidency in 1801.~~

## CHAPTER VI.

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### THE DUEL.

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The Election in New York — An Unequal Contest — The Conspiracy Prevails — Hamilton's Selfish Action — Correspondence Between Burr and Hamilton — The Challenge — The Combat — Hamilton Fatally Hurt — Rufus King's Explanation — Did Not Advise Hamilton to Accept the Challenge — Burr Justified.

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The election for governor in New York, in 1804, was, in many respects, a most remarkable contest. On the one side stood Burr, alone, appealing to the people of his state for vindication. On the other side appeared a triumvirate of rival politicians, whose hatred of each other was only exceeded by their hatred and fear of Burr. The president of the United States, with all the power and patronage of the general government; the governor of the state of New York, with great family influence and large wealth to sustain him; and last, but more dangerous than either of the others, came Alexander Hamilton, with a strong political party at his command, forming the most powerful combination ever united to break down and destroy the influence of one man. It was an unequal fight, and the result could be

readily anticipated, but it was to all the parties concerned a fight to the death.

Jefferson not only proscribed every man who dared to be a friend to Burr, but turned loose every place-man of the government to revile and calumniate him. Clinton subsidized a low and scurrilous press to manufacture and publish malicious falsehoods against the candidate. But Hamilton pursued a course far more dangerous—he turned loose the whole Federal party of the state upon Burr. It was this, and this alone, that defeated him. In any contest inside his own party, Burr had nothing to fear from either Jefferson or Clinton, or both combined. He could and did carry with him the Republicans of New York, overwhelmingly, against all opposition, but he could not overcome these with the whole Federal host, led by Hamilton, united against him.

Hamilton's course, as a party leader, was singularly selfish. The control of New York had, for some years, been alternating between parties. Burr had by a supreme effort, wrested the state from the Federalists, by a small majority, four years before. There had been no material change in the relative strength of parties in the mean time, though it is probable that in a regular contest the Republicans could have increased their majority; but there was a factional fight going on among the Republicans,—they had two candidates in the field for governor. The door was thus thrown open for the Federalists

to enter; they could, in all probability, have walked in and taken possession. This was the view taken by most of the prominent Federalists. But Hamilton had other notions; his personal hatred of Burr far outweighed his devotion to party. He determined to sacrifice his party, and forego this opportunity for party success, to make a certainty of defeating Burr, and to make defeat decisive and disastrous it must be made to seem the work of his own political party—he must be beaten by a Republican.

The Federalists called a caucus of their leading men at Albany, to select a candidate for governor. Hamilton attended this meeting with written reasons why they should not put up a candidate of their own, but in preference should unite with the Clinton faction in opposition to Burr. In this document Hamilton's real reasons for the long and secret efforts he had been making to destroy Burr's reputation and influence throughout the country, are fully revealed. He sees clearly that Burr's election in the coming contest for governor would certainly be followed by his election to the presidency. He knows and he says that Burr "is a more adroit, able and daring chief" than Jefferson; that he would, if placed at the head of his party, not only reunite "the scattered fragments of the Democratic party," but would also draw to it "a strong detachment from the Federalists." He declares that "a further effect of his elevation" will be "to present to the

confidence of New England, a man, already the man of the Democratic leaders of that country, and towards whom the mass of the people have no weak predilection," thus declaring the great popularity of Burr with the leaders and the body of the people in those states. New England was the stronghold of the Federal party, but Hamilton insisted that if Burr were not defeated in his home state, and thus prevented from reaching the presidency, "it will give him fair play to disorganize New England," to the detriment of the Federal party. [It was an appeal to the Federalists of New York to sacrifice themselves for the sake of the party at large and the destruction of the party's most dangerous political opponent.]

Hamilton also pointed out the fact that Lansing, the Democratic candidate whom he urged them to support, was of such personal character that "it is morally certain that the Democratic party, already much divided and weakened, will moulder and break asunder more and more." He pays Burr the following compliment: "Though detested by some of the leading Clintonians, he is certainly not personally disagreeable to the great body of them, and it will be no difficult task for a man of talents, intrigue and address, possessing the chair of government, to rally the great body of them under his standard, and thereby to consolidate for personal purposes, the mass of the Clintonians, his own adherents among

the Democrats, and such Federalists as, from personal good will or interested motives, may give him support."

It was not until Burr's candidacy for governor of New York, when some of the more prominent Federalists came to his support, that Burr received from them the first intimation he ever had of Hamilton's duplicity toward him. The first reports were vague and indefinite, and Burr did not believe them. He went frankly to Hamilton for explanation. Burr knew so little that Hamilton soon persuaded him that he had done nothing but what was fairly proper between political opponents. Burr accepted his explanation, and they parted professedly as friends. Thus it remained until proof positive was furnished Burr, that Hamilton was then and had been for years, pursuing him with venomous calumny and vile detraction. From that moment Burr regarded him with utter contempt.

The election for governor in New York in 1804 was not only an unusually bitter contest, but it was attended by the vilest and most atrocious calumny against character known to the history of that state. An event growing out of the bitter feeling created by the character of the contest, has become memorable, and must be noticed here. It brought about results disastrous to both Hamilton and Burr. The story is a sad one, and we will tell it as briefly as we can. As the statement made by Judge Van Ness,

has been regarded as strictly reliable, we will repeat his words:

“On the afternoon of the 17th of June,” (1804,) says Judge Van Ness, “I received a note from Colonel Burr requesting me to call on him the following morning. Upon my arrival he alleged that it had, of late, been frequently stated to him that General Hamilton had, at different times and upon various occasions, used language and expressed opinions highly injurious to his reputation; that he had for some time felt the necessity for calling on General Hamilton for an explanation of his conduct, but that the statements which had been made to him did not appear sufficiently authentic to justify the measure; that a newspaper had, however, been recently put into his hands, in which he perceived a letter signed Charles D. Cooper, containing something which he thought demanded immediate investigation. Urged by these circumstances, and justified by the evident opinion of his friends, he had determined to write General Hamilton a note upon the subject, which he requested me to deliver. I assented to this request, and, on my return to the city, which was at eleven o’clock the same morning, I delivered to General Hamilton the note which I received from Colonel Burr for that purpose.

“This note was as follows:

‘NEW YORK, June 18, 1804.

SIR:---I send for your perusal a letter signed

Charles D. Cooper, which, though apparently published some time ago, has but very recently come to my knowledge. Mr. Van Ness, who does me the favor to deliver this, will point out to you what clause of the letter to which I particularly request your attention. You must perceive, sir, the necessity for a prompt and unqualified acknowledgment or denial of the use of any expressions which would warrant the assertions of Mr. Cooper.

I have the honor to be,

Your obedient servant,

GENERAL HAMILTON.

A. BURR.'

"General Hamilton read the note of Mr. Burr, and the printed letter of Mr. Cooper to which it refers, and remarked that they required some consideration, and that in the course of the day he would send an answer to my office. At half-past ten o'clock General Hamilton called at my house, and said that a variety of engagements would demand his attention during the whole of that day and the next; but that on Wednesday, the 20th inst., he would furnish me with such answer to Colonel Burr's letter as he should deem most suitable and compatible with his feelings. In the evening of Wednesday, the 20th, while I was from home, the following letter, addressed to Colonel Burr, was left at my house, under cover to me :

'NEW YORK, June 20, 1804.

SIR:—I have maturely reflected on the subject

of your letter of the 18th inst., and the more I have reflected the more I have become convinced that I could not, without manifest impropriety, make the avowal or disavowal which you seem to think necessary. The clause pointed out by Mr. Van Ness is in these terms: 'I could detail to you *a still more despicable* opinion which General Hamilton *has expressed* of Mr. Burr.' To endeavor to discover the meaning of this declaration, I was obliged to seek in the antecedent part of this letter for the opinion to which it referred as having been already disclosed. I found it in these words: 'General Hamilton and Judge Kent have declared, in *substance*, that they look upon Mr. Burr to be *a dangerous man*, and one *who ought not to be trusted with the reins of government*.'

The language of Doctor Cooper plainly implies that *he* considered this opinion of you, which he attributes to me, as a *despicable* one; but he affirms that I have expressed some other *more despicable*, without, however, mentioning to whom, when, or where. 'Tis evident that the phrase, 'still more despicable' admits of infinite shades, from very light to very dark. How am I to judge of the degree intended? Or how shall I annex any precise idea to language so indefinite?

Between gentlemen, *despicable* and *more despicable* are not worth the pains of distinction; when, therefore, you do not interrogate me as to the opin-

ion which is specifically ascribed to me, I must conclude that you view it as within the limits to which the animadversions of political opponents upon each other may justifiably extend, and, consequently, as not warranting the idea which Doctor Cooper appears to entertain. If so, what precise inference could you draw as a guide for your conduct, were I to acknowledge that I had expressed an opinion of you still more despicable than the one which is particularized? How could you be sure that even this opinion had exceeded the bounds which you would yourself deem admissible between political opponents?

But I forbear further comment on the embarrassment to which the requisition you have made naturally leads. The occasion forbids a more ample illustration, though nothing could be more easy than to pursue it.

Repeating that I cannot reconcile it with propriety to make the acknowledgment or denial you desire, I will add, that I deem it inadmissible, on principle, to consent to be interrogated as to the justice of the *inferences* which may be drawn by others from whatever I have said of a political opponent in the course of fifteen years competition. If there were no other objection to it, this is sufficient, that it tends to expose my sincerity and delicacy to injurious imputations from every person who may, at any time, have conceived the import of my expressions differ-

ently from what I may then have intended or may afterward recollect. I stand ready to avow or disavow promptly and explicitly any precise or definite opinion which I may be charged with having declared of any gentleman. More than this cannot fitly be expected from me; and, especially, it cannot be reasonably expected that I shall enter into any explanation upon a basis so vague as that you have adopted. I trust, on more reflection, you will see the matter in the same light with me. If not, I can only regret the circumstance, and must abide the consequences.

The publication of Dr. Cooper's was never seen by me till after the receipt of your letter.

I have the honor to be, &c.,

COLONEL BURR.

A. HAMILTON.'"

Judge Van Ness continues: "On the morning of Thursday, the 21st, I delivered to Colonel Burr the above letter, and, in the evening was furnished with the following letter for General Hamilton, which I delivered to him at 12 o'clock on Friday, the 22nd inst.:

'NEW YORK, June 21, 1804.

SIR:—Your letter of the 20th inst. has been this day received. Having considered it attentively, I regret to find in it nothing of that sincerity and delicacy which you profess to value.

Political opposition can never absolve gentlemen from the necessity of a rigid adherence to the laws

of honor and the rules of decorum. I neither claim such privilege nor indulge it in others.

The common sense of mankind affixes to the epithet adopted by Doctor Cooper the idea of dishonor. It has been publicly applied to me under the sanction of your name. The question is not whether he has understood the meaning of the word, or has used it according to syntax and with grammatical accuracy, but whether you have authorized this application, either directly or by uttering expressions or opinions derogatory to my honor. The time 'when' is in your own knowledge, but no way material to me, as the calumny has now first been disclosed so as to become the subject of my notice, and as the effect is present and palpable.

Your letter has furnished me with new reasons for requiring a definite reply.

I have the honor to be, sir, your obedient

GENERAL HAMILTON.

A. BURR.'

"General Hamilton perused it, and said it was such a letter as he had hoped not to have received; that it contained several offensive expressions, and seemed to close the door to all further reply; that he had hoped the answer he had returned to Colonel Burr's first letter would have given a different direction to the controversy; that he thought Mr. Burr would have perceived that there was a difficulty in his making a more specific reply, and would have desired him to state what had fallen from him that

might have given rise to the inference of Doctor Cooper. He would have done this frankly ; and he believed it would not have been found to exceed the limits justifiable among political opponents. If Mr. Burr should be disposed to give a different complexion to the discussion, he was willing to consider the last letter not delivered ; but if that communication was not withdrawn, he could make no reply, and Mr. Burr must pursue such course as he should deem most proper.

“ At the request of General Hamilton, I replied that I would detail these ideas to Colonel Burr ; but added, that if in his first letter he had introduced the idea (if it was a correct one) that he could recollect of no terms that would justify the construction made by Doctor Cooper, it would, in my opinion, have opened a door for accommodation. General Hamilton then repeated the same objections to this measure which were stated in substance in his first letter to Colonel Burr.

“ When I was about leaving him he observed, that if I preferred it, he would commit his refusal to writing. I replied that if he had resolved not to answer Colonel Burr’s letter, that I could report to him verbally, without giving him the trouble of writing it. He again repeated his determination not to answer ; and that Colonel Burr must pursue such course as he should deem most proper.

“ In the afternoon of this day I reported to Col-

Colonel Burr, at his house out of town, the answer and the determination of General Hamilton, and promised to call on him again in the evening to learn his further wishes. I was detained in town, however, this evening by some private business, and did not call on Colonel Burr until the following morning, Saturday, the 23rd June. I then received from him a letter for General Hamilton, but which, as will presently be explained, was never delivered. When I returned with this letter to the city, which was about two o'clock in the afternoon of the same day, I sent a note to General Hamilton's office, and also to his house, desiring to know when it would be convenient to receive a communication. The servant, as he informed me, received for answer at both places, that General Hamilton had gone to his country seat.

“At nine o'clock on Monday, the 25th of June, I called on General Hamilton, at his house in Cedar street, to present the letter already alluded to, and with instructions for a verbal communication, of which the following notes, handed me by Mr. Burr, were to be the basis. The substance of which, though in terms as much softened as my injunctions would permit, was accordingly communicated to General Hamilton, as follows:

‘A. Burr, far from conceiving that rivalryship authorizes a latitude not otherwise justifiable, always feels greater delicacy in such cases, and would

think it meanness to speak of a rival but in terms of respect; to do justice to his merits, to be silent to his foibles. Such has invariably been his conduct towards Jay, Adams and Hamilton; the only three who can be supposed to have stood in that relation to him.

‘That he has too much reason to believe that, in regard to Mr. Hamilton, there has been no reciprocity. For several years his name has been lent to the support of base slanders. He has never had the generosity, the magnanimity, or the candor to contradict or disavow. Burr forbears to particularize, as it could only tend to produce new irritations; but, having made great sacrifices for the sake of harmony; having exercised forbearance until it approached to humiliation, he has seen no effect produced by such conduct but a repetition of injury. He is obliged to conclude that there is, on the part of Mr. Hamilton, a settled and implacable malevolence; that he will never cease in his conduct towards Mr. Burr, to violate those courtesies of life; and that, hence, he has no alternative but to announce these things to the world; which, consistently with Mr. Burr’s ideas of propriety, can be done in no way but that which he has adopted. He is incapable of revenge, still less is he capable of imitating the conduct of Mr. Hamilton, by committing secret depredations on his fame and character. But these things must have an end.’

“Before I delivered the written communication with which I was charged, General Hamilton said he had prepared a written reply to Colonel Burr’s letter of the 21st, which he had left with Mr. Pendleton, and wished me to receive. I answered that the communication I had to make to him was predicated upon the idea that he would make no reply to Mr. Burr’s letter of the 21st of June, and that I had so understood him in our conversation of the 22nd. General Hamilton said that he believed, before I left him he had proffered a written reply. I observed that, when he answered verbally, he had offered to put that refusal in writing; but that, if he had now prepared a written reply, I would receive it with pleasure. I accordingly called on Mr. Pendleton on the same day (Monday, June 25th), between one and two o’clock P. M., and stated to him the result of my recent interview with General Hamilton, and the reference he had made to him.

“I then received from Mr. Pendleton that which follows:

‘SIR:—Your first letter, in a style too peremptory, made a demand, in my opinion, unprecedented and unwarrantable, My answer, pointing out the embarrassment, gave an opportunity to take a less exceptionable course. You have not chosen to do it; but, by your last letter, received this day, containing expressions indecorous and improper, you have in-

creased the difficulties to explanation intrinsically incident to the nature of your application.

‘If by a “definite reply” you mean the direct avowal or disavowal required in your first letter, I have no other answer to give than that which has already been given. If you mean anything different, admitting of greater latitude, it is requisite you should explain.

‘I have the honor to be, sir, your obedient servant,  
ALEX. HAMILTON.’

A. BURR, Esq.

“This letter was unsealed, but I did not read it in his presence. After some conversation relative to what General Hamilton would say on the subject of the present controversy, during which Mr. Pendleton read from a paper his ideas on the subject, he left me for the purpose of seeing and consulting Mr. Hamilton, taking the paper with him. In about an hour he called at my house. I informed him that I had shown to Colonel Burr the letter he had given me from General Hamilton; that in his opinion it amounted to nothing more than the verbal reply I had already reported; that it left the business precisely where it then was; that Mr. Burr had very explicitly stated the injuries he had received and the reparation he demanded, and that he did not think it proper to be asked now for further explanation. Towards the conclusion of the conversation I informed him that Colonel Burr required a general

disavowal of any intention, on the part of General Hamilton, in his various conversations, to convey expressions derogatory to the honor of Mr. Burr. Mr. Pendleton replied that he believed General Hamilton would have no objections to make such declaration, and left me for the purpose of consulting him, requesting me to call in the course of the afternoon for an answer. I called on him accordingly about six o'clock. He then observed that General Hamilton declined making such a disavowal as I had stated in our last conversation; that he, Mr. Pendleton, did not then perceive the whole force and extent of it; and presented me with the following paper, which I transmitted in the evening to Mr. Burr.

“In answer to a letter properly adapted to obtain from General Hamilton a declaration whether he had charged Colonel Burr with any particular instance of dishonorable conduct, or had impeached his private character, either in the conversation alluded to by Doctor Cooper or in any other particular instance to be specified, he would be able to answer consistently with his honor and the truth, in substance, that the conversation to which Doctor Cooper alluded turned wholly on political topics, and did not attribute to Colonel Burr any instance of dishonorable conduct, nor relate to his private character; and in relation to any other language or conversation of General Hamilton which Colonel Burr will specify, a prompt and frank avowal or denial will be given.

“The following day (Tuesday, 26th June), as early as was convenient, I had an interview with Colonel Burr, who informed me that he considered General Hamilton’s proposition a mere evasion, that evinced a desire to leave the injurious impressions which had arisen from the conversations of General Hamilton in full force; that when he had undertaken to investigate the damage his honor had sustained, it would be unworthy of him not to make that investigation complete.”

Following this came a correspondence between the seconds of the parties, which did not change the situation in the least. Judge Van Ness, on the part of Burr, insisting on a general disavowal of any intention on the part of Hamilton, in his conversations, to convey expressions derogatory to the honor of Burr, and on the part of Hamilton Mr. Pendleton urging that the inquiry be confined to some more particularly specified occurrence. The situation remained almost precisely as the principals had left it, when on the 27th of June the challenge was presented and accepted, after which Mr. Pendleton remarked that court was then sitting, in which General Hamilton had much business to transact, and that he had also some private arrangements to make, which would render some delay unavoidable. After several interviews the seconds finally arranged that the meeting should be on the morning of the 11th of July. The particulars of the duel are given in a

statement drawn up and mutually agreed to by the seconds. This statement is as follows:

“Colonel Burr arrived first on the ground, as had been previously agreed. When General Hamilton arrived, the parties exchanged salutations, and the seconds proceeded to make their arrangements. They measured the distance, full ten paces, and cast lots for the choice of position, as also to determine by whom the word should be given, both of which fell to the second of General Hamilton. They then proceeded to load the pistols in each other's presence, after which the parties took their stations. The gentleman who was to give the word then explained to the parties the rules which were to govern them in firing, which were as follows: ‘The parties being placed at their stations, the second who gives the word shall ask them whether they are ready; being answered in the affirmative, he shall say, *present!* After this the parties shall present and fire when they please. If one fires before the other, the opposite second shall say *one, two, three, fire*, and he shall then fire or lose his fire.’

“He then asked if they were prepared; being answered in the affirmative, he gave the word *present*, as had been agreed on, and both parties presented and fired in succession. The intervening time is not expressed, as the seconds do not precisely agree on that point. The fire of Colonel Burr took effect, and General Hamilton almost instantly fell. Colonel

Burr advanced towards General Hamilton with a manner and gesture that appeared to General Hamilton's friend to be expressive of regret; but, without speaking, turned about and withdrew, being urged from the field by his friend, as has been subsequently stated, with a view to prevent his being recognized by the surgeon and bargemen who were approaching. No further communication took place between the principals, and the barge that carried Colonel Burr immediately returned to the city. We conceive it proper to add, that the conduct of the parties in this interview was perfectly proper, as suited the occasion."

The foregoing statement was agreed to and signed by both the seconds, but there were two important points about which they could not agree. "Mr. Pendleton expressed a confident opinion that General Hamilton did not fire first, and that he did not fire at all at Colonel Burr. Mr. Van Ness seemed equally confident in opinion that General Hamilton did fire first; and, of course, it must have been *at* his antagonist." The parties met at Weehawken, on the New Jersey shore, at 7 o'clock on Wednesday morning, July 11, 1804. General Hamilton died the next day at 2 o'clock in the afternoon; and on Saturday, the 14th, he was interred with military honors, and an appropriate oration was delivered by his personal friend, Gouverneur Morris.

Among the papers left by Hamilton was one which he prepared, as he says, "on my expected interview with Colonel Burr. I think it proper to make some remarks explanatory of my conduct, motives, and views." From this paper we make the following extract. After reviewing the reasons why he did not desire the interview, he proceeds to say: [ "But it was, as I conceive, impossible for me to avoid it. There were intrinsic difficulties in the thing, and artificial embarrassments from the manner of proceeding on the part of Colonel Burr. Intrinsic, because it is not to be denied that my animadversions on the political principles, character and views of Colonel Burr have been extremely severe; and, on different occasions, I, in common with many others, have made very unfavorable criticisms on particular instances of the private conduct of this gentleman.

"In proportion as these impressions were entertained with sincerity, and uttered with motives and for purposes which might appear to me commendable, would be the difficulty (until they could be removed by evidence of their being erroneous) of explanation or apology. The disavowal required of me by Colonel Burr, in a general and definite form, *was out of my power*, if it had really been proper for me to submit to be questioned; but I was sincerely of the opinion that this could not be; and in this opinion I was confirmed by that of a very moderate and judicious friend whom I consulted." ]

Hamilton here repeats what he so constantly urged in his correspondence with Burr, that the disavowal demanded, "in a general and definite form," was improper in form and manner, and that Burr had no right thus to question him. Hamilton had no doubt forgotten that it was precisely the form and manner in which he had, on a former occasion, questioned John Adams, and had demanded a disavowal in the same general and definite terms under quite similar circumstances.

On the 1st of August, 1800, ~~Hamilton wrote~~ Adams a note as follows: "It has been repeatedly mentioned to me, that you have, on different occasions, asserted the existence of a British faction in this country, embracing a number of leading or influential characters of the Federal party, (as usually denominated,) and that you have sometimes named me, at others plainly alluding to me, as one of this description of persons. And I have likewise been assured, that of late, some of your warm adherents, for electioneering purposes, have employed a corresponding language.

I MUST, sir, take it for granted, that you cannot have made such assertions or insinuations without being willing to avow them; and to assign the reasons to a party who may conceive himself injured by them. I, therefore, trust that you will not deem it improper that I apply directly to yourself, to ascertain from you, in reference to your own declara-

tions, whether the information I have received has been correct or not; and, if correct, what are the grounds upon which you have founded the suggestion."

There is, therefore, no semblance of truth in the charge that Burr forced Hamilton to accept his challenge by the unusual and unwarranted form of the demand made upon him. He had strictly followed the precedent set by Hamilton himself on a similar occasion; the fault was Hamilton's alone that he could not truthfully make the disavowal demanded. It was true that he had for years been traducing Burr's character in every form his ingenuity could invent, and many scores of his letters existed to attest the fact. It was, indeed, out of his power to make the disavowal required, and his only refuge was to deny the right to be questioned. "And in this opinion," he says, "I was confirmed by that of a very moderate and judicious friend whom I consulted." This judicious friend was Rufus King, and the statement was generally construed to mean that King advised Hamilton to accept the duel rather than permit himself to be thus questioned. It was afterward brought as a charge against King that he could have prevented the duel had he exerted his influence in dissuading Hamilton from accepting.

It was years before this charge was brought to the knowledge of Mr. King, and when it was he gave it emphatic denial. A letter to his son, dated

April 2, 1819, printed in his works, Vol. 4, page 394, reads as follows:

"To my surprise and regret, I have been informed that Doctor Mason, in a late conversation at a dinner table, stated in reference to the duel between General Hamilton and Colonel Burr, in which the former was mortally wounded, that it was in my power to have prevented the duel, and that evidence of this fact could be produced; a statement with the effect that I approved of and promoted the duel.

"I request that you will take an early opportunity of calling on Doctor Mason and in my behalf assuring him that the reverse of the alleged fact is the truth, and that so far from approving and promoting the duel, I disapproved of it and endeavored to prevail on General Hamilton not to meet Colonel Burr. Ask Doctor Mason to furnish you with the evidence to which he referred and upon which he thought himself justified in making the foregoing statement. Say to him, moreover, on my part, that I willingly believe, after receiving this statement, that he will take greater pleasure in correcting, than he could have experienced in stating a charge that is wholly unfounded."

It would seem, therefore, that Hamilton did not consent to the meeting with Burr upon the advice of this friend, or, so far as is known, upon the advice of any friend. It is more probable that he preferred the duel as the readiest way of relieving himself

from the embarrassing situation in which he was placed. That he was opposed to dueling, we think, cannot be sustained by the facts. Another letter on the death of Hamilton, written by Rufus King, and found in his printed works, volume 4, page 397, strongly implies that, in Mr. King's opinion, Hamilton was not opposed to dueling. The letter is as follows: "You cannot, my dear sir, hold in greater abhorrence than I do the practice of dueling. Our lamented friend was not unacquainted with my opinion on the subject, but with a mind the most capacious and discriminating that I ever knew, he had laid down for the government of himself certain rules upon the subject of duels the fallacy of which would not fail to be seen by any man of ordinary understanding. With these guides, it is my deliberate opinion that he could not have avoided a meeting with Colonel Burr, had he even declined the first challenge."

And the eagerness with which he sometimes engaged in dueling disproves the claim that Hamilton was opposed to the practice. When a mere youth on the staff of General Washington, he began the practice, not on his own behalf, but as a volunteer protector of the honor of his chief. Washington had been abused by General Charles Lee. He gave the matter no concern. But because of this, Laurens and Hamilton, Washington's secretaries, resolved to call General Lee to the field of honor.

Each desired to be the principal, but finally it was settled that Laurens should send the challenge and Hamilton, as second, should deliver it. He did so, Lee accepted, the duel was fought, and Lee was severely wounded. Again, about the time Hamilton retired from the cabinet, he got into a political wrangle with Commodore Nicholson, of the navy. The Commodore was a prominent citizen of New York, the father-in-law of Albert Gallatin, and an enthusiastic Republican. He denounced Hamilton's political principles, and called him for asserting them, "an abettor of the Tories." { For this Hamilton challenged the old Commodore to mortal combat. Nicholson accepted and all the arrangements were made for the meeting, when friends learning the facts interposed and prevented the fight. } A man who could seek the life of another for so trifling a cause can scarcely be called an opponent of dueling. Another historical and somewhat romantic event, brought about a misunderstanding between Hamilton and James Monroe in 1797, which led to a challenge from the former to the latter. Monroe sent for Burr to act as his second. { Burr appeared, but declined the position tendered him; he volunteered, however, to act as peace-maker, and after much difficulty reconciled the parties and prevented the duel. In this case Burr appears to much greater advantage than Hamilton. }

In the enlightenment of the present day no excuse can be given for men meeting in mortal combat. To accept a challenge is as sinful as to give it. But such was not the sentiment prevailing a century ago. It is scarcely just to condemn men of that time by the standard observed at this time. We are barely yet beyond the influence of the public sentiment which required, ay, commanded public men, at the sacrifice of all that manhood stood for, to defend an assault upon their integrity by private combat. We should rejoice that we are emancipated from such barbarism. The barbarism that induced General Jackson to murder Dickinson; that caused Colonel Benton to slay Lucas, and that sent Clay and Randolph into the world with murder in their hearts. But judged by the code of that day not one of these had received a tithe of the provocation Burr received from Hamilton.

Take the summing up as Parton gives it: "At every step of Burr's political career, without a single exception, Hamilton, by open efforts, by a secret intrigue, or by both, had utterly opposed or forbidden his advancement. He had injured him in the estimation of Washington. He had prevented Mr. Adams from giving him a military appointment. His letters for years had abounded in denunciations of him, as severe and unqualified as the language of a powerful declaimer could convey. From Burr's own table, he had carried away the unguarded sallies

of the host for use against his political opponent. The most offensive epithets and phrases he had so habitually applied to Burr, that they had become familiar in the mouths of leading Federalists. And finally he had just succeeded in frustrating Burr's keen desire for vindication at the people's hands." But Parton gives but a portion of the wrongs endured by Burr. He has omitted those which touch most keenly the sensibilities of a frank and trusting nature. Duplicity practiced; confidence betrayed; friendship violated; and the stinging sense of humiliation caused by all these wrongs combined.

It is fitting to close this chapter with a brief summary of the character of Hamilton in the words of a close personal and political friend. When Gouverneur Morris heard of the duel and its result, he hastened to the bedside of Hamilton and remained with him until he died. He was invited by the family and friends to deliver an oration at the funeral. He accepted the invitation. On the day intervening between the death and the burial, he retired to his study to consider what he should say of his departed friend. While thus communing with himself, he wrote in his diary these words: "Discuss the points which it may be safe to touch upon to-morrow, and those which it may be proper to avoid. To a man who could feebly command all his powers this subject is difficult. The first point in his biography is that he was a stranger, of illegitimate birth; some mode must be contrived to pass over this handsomely."

He was indiscreet, vain and opinionated; these things must be told or the character will be incomplete, yet they must be told in such manner as not to destroy the interest. He was in principle opposed to republican and attached to monarchical government, and then his opinions were generally known and have been long and loudly proclaimed. His share in framing our constitution must be mentioned, and his unfavorable opinion cannot therefore be concealed. The most important part of his life was his administration of the finances. The system he proposed was in one respect radically wrong; moreover it has been the subject of some just and much unjust criticism. Many are still hostile to it, though on improper ground. I can neither commit myself to a full and pointed approbation, nor is it prudent to censure others. All this must, somehow or other, be reconciled. He was in principle opposed to dueling, but he has fallen in a duel. I cannot thoroughly excuse him without criminating Colonel Burr, which would be wrong, and might lead to events which every good citizen must deprecate. Indeed, this morning when I sent for Colonel Smith, who had asked an oration from me last night, to tell him I would endeavor to say some few words over the corpse, I told him in answer to the hope he expressed, that in doing justice to the dead, I would not injure the living—that Colonel Burr ought to be considered in the same light with any other man who had killed another in a duel.”

## CHAPTER VII.

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### BURR RETIRES FROM PUBLIC LIFE.

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Kind Words to Family and Friends — Mementos for All — Returns to the Senate — Presides at the Chace Impeachment Trial — Bids Farewell to the Senate — His Address to the Senators — Its Thrilling Effect — Tears from the Members — His Visit to the Western Country — His Enthusiastic Welcome — The First Blow from the Man in Power.

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Burr, on the evening before the meeting, prepared his will and wrote loving letters to his daughter and her husband, Governor Alston, of South Carolina. He says to the latter: "It would have been a great satisfaction to me to have had your assurance that you would assume my debts and take and dispose of the property at discretion. It may be done in a way which you would find a convenience. My creditors would take your assumption at such time as you might judge convenient. The property will, undoubtedly, produce more than the amount of my debts. What you may not incline to keep may be forthwith turned into cash." Nor does he forget those who have been his friends; he names a number, of whom he says: "All lawyers and young men of talents have manifested great and dis-

interested zeal in my favor on some recent occasions. I pray you to take notice of them, and give to each of them, and to William T. Broome, now in Paris, some small token of remembrance of me." Other friends are also named and commended.

He refers to the approaching duel and says, if he should fall, "yet I shall live in you and your son. I commit to you all that is most dear to me—my reputation and my daughter. Your talents and your attachment will be the guardian of the one—your kindness and your generosity of the other. Let me entreat you to stimulate and aid Theodosia in the cultivation of her mind. It is indispensable to her happiness and essential to yours. It is also of the utmost importance to your son. She would presently acquire a critical knowledge of Latin, English, and all branches of natural philosophy. All this would be poured into your son. If you should differ with me as to the importance of this measure, suffer me to ask it of you as a last favor. She will richly compensate your trouble."

To his daughter he writes most tenderly, giving directions about the disposal of his property and the distribution of mementos among relatives and friends. "Give Natalie," his adopted daughter, then well married, "one of the pictures of me. There are three in the house; that of Stewart and two by Vanderlyn. Give her any other little tokens she may desire. One of those pictures, also, I pray

you to give to Dr. Eustis. To Bartow something." Nor does he, in this possible last night of his life, forget his family servants. "I pray you and your husband to convey to Peggy the small lot, not numbered, which is the fourth article mentioned in my list of property. It is worth about two hundred and fifty dollars. Give her also fifty dollars in cash as a reward for her fidelity. Dispose of Nancy as you please; she is honest, robust and good tempered. Peter is the most intelligent and best disposed black I have ever known. I advise you, by all means, to keep him as the valet of your son. Persuade Peggy to live with you, if you can."

He made special bequests to his step-sons, between whom and himself the most affectionate relations had always existed. In his daughter's letter he says: "It just now occurs to me to give poor dear Frederic my watch. I have already directed my executors here to give him my wearing apparel. When you come hither you must send for Frederic, and open your whole heart to him. He loves me almost as much as Theodosia does; and he does love you to adoration." He closes his letter to his daughter as follows: "I am indebted to you, my dearest Theodosia, for a very great portion of the happiness which I have enjoyed in this life. You have completely satisfied all that my heart and affections had hoped, or even wished. With a little more perseverance, determination, and industry you will obtain all that

my ambition or vanity had fondly imagined. Let your son have occasion to be proud that he had a mother."

Calmly and with almost his usual pleasantry he thus writes, possibly for the last time, to those who are nearest and dearest to him. He makes no apologies, he gives no explanations, he utters no complaints, and above all he does not seek to escape censure for himself by blaming any other. He is conscious of no wrong and bravely assumes the full responsibility of his act. To defend his honor with his life seems no sacrifice to him. It was the ethics of his time and he obeyed through a sense of duty, as well as a consciousness of right. We cannot justly judge him by the moral standard of our day.

The charge that Burr forced Hamilton to fight him was made at the time and is still believed. It is strange that the friends of Hamilton do not see that if the statement be true, it reflects more seriously against Hamilton than it does against Burr. By what means could Burr have forced Hamilton to fight him? This question has never been answered, nor does it seem ever to have occurred to Hamilton's friends that he should be held responsible for his assaults upon the reputation of other men. He did not deny that he had spoken disparaging words of Burr, nor would he affirm that he had. He simply placed himself upon his dignity and denied Burr's

right to question him. It is nearer the truth that Hamilton forced Burr to challenge him. Burr called Hamilton's attention to a statement in a public newspaper in which Hamilton is reported as having, in a conversation about Burr, used words degrading to Burr's character. When asked to avow or disavow this statement, Hamilton would do neither. The manly, courageous course would have been, if he had made the charge, to have acknowledged it; if he had not, to have denied it. But he did not take this course. He quibbled over the meaning of a word, and denied responsibility. Burr even modified his demand at one time to the extent that Judge Pendleton, Hamilton's second, said he thought it would be satisfactory to Hamilton. But Hamilton was not satisfied; he would do nothing but deny Burr's right to question him.

What more could Burr do; sit down and submit to the insult? That was not the spirit of that day. \* Had he done so he would have been denounced as a craven and a coward. It was thus that Burr was forced to challenge Hamilton. We do not believe Hamilton wished to fight, but he had placed himself in a position which compelled him to fight or be disgraced. He had for years been in secret (confidential) correspondence, traducing Burr; hundreds of letters filled with calumny against Burr were in the hands of his friends, throughout the country. He, therefore, dare not deny his habit of vilifying Burr;

he was compelled to choose between the loss of the respect of his friends and a refusal of all explanation with Burr. He could do nothing else. It was because of the position in which his own action placed him that he was forced to fight Burr.

This view was taken of it by some of Hamilton's closest and most intimate personal and political friends. Among these may be mentioned Gouverneur Morris, who delivered the funeral oration at Hamilton's burial. He was urged to censure Burr for forcing the fight with Hamilton, but Morris emphatically refused to do so, saying that while doing justice to the dead he would not injure the living, and that Burr should be judged as any other man is judged who has killed another in a duel. It was not the sentiment of the better class of people that condemned Burr, but the party passion that was aroused by the event.

Burr returned to his duties as vice-president at the opening of congress in December; it was the last session of that body during his official term of office. He was received by the members of the senate with their usual cordiality and good feeling. Even Jefferson continued all the proprieties of their official relations, and invited him to dinner as regularly as before. It was during this session the famous impeachment trial of Judge Samuel Chace, charged with high crimes and misdemeanors, was held before the senate. Burr, as vice-president, presided at the

hearing of the case with his accustomed dignity and with an impartiality and fairness which won him universal applause. The senate chamber was prepared for this occasion under the vice-president's immediate direction, and not only presented a handsome appearance, but in its arrangements giving every convenience to the senators forming the high court of judicature, the committee of the house prosecuting the case and the attorneys defending it. Special provision was made for members of the executive department, foreign ministers and other high officials. A gallery was provided for the accommodation of the ladies, who attended the trial in large numbers.

This trial commenced on the 3rd day of January and continued to the 1st of March, 1805. The report of the trial given by Colonel Benton, in his abridgment of the debates of congress, fills 112 pages of that work, and yet Colonel Benton apologized for the meagreness of his report. He says in a note: "This trial was one of the events of the day, greatly exciting party passions, and taking a scope which gives it historic interest, both for the persons concerned and the matters involved. The account of it is greatly abridged here, but it is believed all is still retained which is necessary to the full knowledge of the case, and a just conception of the skill, learning, eloquence and ability with which the trial (both the prosecution and the defense) was conducted."

Jefferson was extremely anxious to secure Judge Chace's conviction, and made some overtures to Burr, who presided at the trial, which were regarded as attempts to bribe him to exercise an improper influence against Chace. It is certain he did what he had never done before, he appointed some of Burr's friends to office, his brother-in-law and his stepson being among the number. Burr fully understood the motive which induced these favors, but never in any manner acknowledged them. The day following the conclusion of the Chace trial, Burr resigned his office and retired from the vice-presidency.

On retiring from the senate he made a farewell speech to the senators, of which Colonel Benton said: "A more beautiful or a more patriotic address was never delivered." The address, as reported for and published in the Washington *Federalist*, March 13, 1805, is as follows:

"On Saturday, the 2nd day of March, 1805, Mr. Burr took leave of the senate. This was done at a time when the doors were closed, the senate being engaged in executive business, and, of course, there were no spectators. It is, however, said to be the most dignified, sublime and impressive address that ever was uttered; and the effect which it produced justifies these epithets. I will give you the best account I have been able to obtain, from the relation of several senators, as well Federal as Republican.

"Mr. Burr began by saying that he had intended

to pass the day with them, but the increase of a slight indisposition (sore throat) had determined him then to take leave of them. He touched lightly on some of the rules and orders of the house, and recommended, in one or two points, alterations, of which he briefly explained the reasons and principles.

“He said he was sensible he must at times have wounded the feelings of individual members. He had ever avoided entering into explanations at the time, because a moment of irritation was not a moment for explanation; because his position (being in the chair) rendered it impossible to enter into explanations without obvious danger of consequences which might hazard the dignity of the senate, or prove disagreeable and injurious in more than one point of view; that he had, therefore, preferred to leave to their reflections his justification; that, on his part, he had no injuries to complain of; if any had been done or attempted, he was ignorant of the authors, and if he had ever known he had forgotten, for, he thanked God, he had no memory for injuries.

“He doubted not but that they had found occasion to observe, that to be prompt was not therefore to be precipitate, and that to act without delay was not always to act without reflection; that error was often to be preferred to indecision; that his errors, whatever they might have been, were those of rule and principle, and not of caprice. That it could not be deemed arrogance in him to say that, in his offi-

cial conduct, he had known no party — no cause — no friend; that if in the opinion of any, the discipline which has been established approached to rigor, they would, at least, admit that it was uniform and indiscriminate.

“He further remarked, that the ignorant and unthinking affect to treat as unnecessary and fastidious a rigid attention to rules and decorum, but he thought nothing trivial which touched, however remotely, the dignity of that body, and he appealed to their experience for the justice of this sentiment, and urged them in language the most impressive, and in a manner the most commanding, to avoid the smallest relaxation of the habits which he had endeavored to inculcate and establish.

“But he challenged their attention to considerations more momentous than any which regarded merely their personal honor and character — the preservation of law, of liberty, and the constitution. This house, said he, is a sanctuary, a citadel of law, of order and of liberty, and it is here — it is here, in this exalted refuge — here, if anywhere, will resistance be made to the storms of political frenzy and the silent arts of corruption; and if the constitution be destined ever to perish by the sacrilegious hands of the demagogue or the usurper, which God avert, its expiring agonies will be witnessed on this floor.

“He then adverted to those affecting sentiments

which attend a final separation — dissolution, perhaps forever, of those associations which he hoped had been mutually satisfactory. He consoled himself, however, and them, with the reflection that, though they separated, they would be engaged in the common cause of disseminating principles of freedom and social order. He should always regard the proceedings of that body with interest and with solicitude. He should feel for their honor and the national honor, so intimately connected with it, and took his leave with expressions of personal respect, and with prayers and wishes.

“In this cold relation a distant reader, especially one to whom Colonel Burr is not personally known, will be at a loss to discover the cause of those extraordinary emotions which were excited. The whole senate were in tears, and so unmanned that it was half an hour before they could recover themselves sufficiently to come to order and choose a vice-president *pro tem*.”

The same paper adds: “The characteristics of the vice-president’s manner seemed to have been elevated and dignified—a consciousness of superiority. Nothing of that whining adulation; those canting, hypocritical complaints of want of talents, assurance of his endeavors to please them, hopes of their favor, &c. On the contrary, he told them explicitly that he had determined to pursue a conduct which his judgment should approve, and which would

secure the suffrage of his own conscience, and that he had never considered who else might be pleased or displeased; although it was but justice on this occasion to thank them for their deference and respect to his official conduct—the constant and uniform support he had received from every member—for their prompt acquiescence in his decisions; and to remark, to their honor, that they had never descended to a single motion of passion or embarrassment. And so far was he from apologizing for his defects, that he told them, on reviewing the decisions he had had occasion to make, there was no one which, on reflection, he was disposed to vary or retract.”

One senator afterward said that he “wished the tradition might be preserved, as one of the most extraordinary events he had ever witnessed.” Another senator, when asked how long he was speaking, said he could form no idea; it might have been an hour or it might have been a moment. When he came to his senses he seemed to have awakened from a trance. A resolution of thanks was unanimously passed by the senators, “in testimony of the impartiality and ability with which he had presided over the deliberations, and of their entire approbation of his conduct in the discharge of the arduous and important duties assigned him as president of the senate.” No man ever retired from public life with a cleaner or more honorable record than did Aaron Burr.

In writing to his daughter, and enclosing a copy of the paper containing the foregoing report of his farewell speech to the senate, (the only report, it is believed, ever made of this or any speech of his,) Burr said: "The enclosed newspaper is just now put into my hands. It is true, as is there said, that I made a talk, as was decent and proper, to the senate on leaving them formally. There was nothing written or prepared, except that it had been some days on my mind to say something. It was the solemnity, the anxiety, the expectation, and the interest which I saw strongly painted in the countenances of the auditors, that inspired whatever was said. I neither shed tears nor assumed tenderness, but tears did flow abundantly. The story in this newspaper is rather awkwardly and pompously told. It has been gathered up, I presume, from different relations of the facts. This newspaper (*The Washington Federalist*) has been for months past, and, for aught I know (for I read none of them), still is, one of the most abusive against A. Burr. I am told that several papers lately made some qualified compliments; thus, for instance, referring to Judge Chace's trial: 'He conducted with the dignity and impartiality of an angel, but with the rigor of a devil.' "

At this time he made ~~the first and only~~ complaint he ever uttered against his persecutors. In a letter to his son-in-law, Joseph Alston, March 22, 1805, he says: "Though in my former letters I did not, in

express terms, inform you that I was under ostracism, yet it must have been inferred. Such is the fact. In New York I am to be disfranchised, and in New Jersey hanged. Having substantial objections to both, I shall not, for the present, hazard either, but shall seek another country. You will not, from this, conclude that I have become passive, or disposed to submit tamely to the machinations of a banditti. If you should you would greatly err. ——— and his clan affect to deplore, but secretly rejoice at and stimulate the villanies of all sorts, which are practised against me. Their alarm and anxiety, however, are palpable to a degree perfectly ridiculous. Their awkward attempts to propitiate reminds one of the Indian worship of the evil spirit."

It was, therefore, from the necessity of retiring for a time from his home in New York that Burr made his journey to the western states in 1805. Burr's enemies have always attached a great mystery to his movements that year. [They have imagined that he was sounding the people with a view of disrupting the Union and the establishing a great empire, to be composed of the states west of the Allegheny mountains and a large portion of Mexico, with the capital at New Orleans. It was the misfortune of Burr that his enemies always attributed to him not only unbounded ambition, but also ability and power, more than mortal man ever possessed, in the execution of his ambitious schemes. It was

because of their belief in these extraordinary characteristics of the man that caused them to fear him. The truth was that while these enemies were investing him with such great powers and such wild designs, he was a broken and ruined man, a fugitive, seeking shelter from his oppressors, in a new home and among a strange people. He had been invited to remove to Tennessee and begin a new political life there, and it was to view the field and ascertain the prospects of success that induced him to spend the summer of 1805 in the western states. If this visit and the warm welcome he everywhere received from the people revived his spirits and inspired him with grander views, they were not those of disloyalty to his country or in any way wanting in patriotic impulse.

Burr's notes of this journey, and his descriptions of the country and the people, are of much interest at this time, and to some extent explain his change of plans for the future. In company with Gabriel Shaw, he left Pittsburg on the 30th of April, in a boat bought for the purpose. This boat he describes as a "floating house, sixty feet by fourteen, containing dining-room, kitchen with fire place, and two bed-rooms; roofed from stem to stern, steps to go up and a walk on the top the whole length, glass windows, etc.," and cost him one hundred and thirty-three dollars; it was what was called in those days "an ark." On the 3rd of May they "went on shore

in the skiff, letting the ark float on, to see the town of *Wieling*, sometimes erroneously spelled *Wheeling*, a pretty, neat village, well situated on the south bank, containing sixty or eighty houses." On the 5th reached Marietta, "containing about eighty houses, some that would be called handsome in any village on the continent." Here "came in several gentlemen to offer me civilities and hospitalities." On the 11th of May reached Cincinnati. "Meeting here with General Dayton and several old army acquaintances, remained the whole day." In the evening started for Louisville; "there it is proposed to take horses, to ride through part of Kentucky, visit Lexington and Frankfort, and meet the ark again at the mouth of the Cumberland."

At Nashville, Burr says: "One is astonished at the number of sensible, well informed and well behaved people which is found here. I have been received with much hospitality and kindness, and could stay a month with pleasure; but General Andrew Jackson having provided us a boat, we shall set off on the 2nd of June." Reached Fort Massac, on the Ohio, the third day. "Here found General Wilkinson on his way to St. Louis. The general and his officers fitted me out with an elegant barge, sails, colors, and ten oars, with a sergeant and ten able, faithful hands. Thus equipped I left Massac on the 10th of June." Arrived at Natchez on the 17th, nearly eight hundred miles from Massac. "Natchez

is a town of three or four hundred houses; the inhabitants are traders and mechanics, but surrounded by wealthy planters, among whom I have been entertained with great hospitality and taste. These planters are, many of them, men of education and refinement, live well, and have good houses. We are now going through a settled country, and, during the residue of my voyage to Orleans, about three hundred miles, I shall take breakfast and dinner each day at the house of some gentleman on shore."

On the 25th of June he reached New Orleans. He says: "This city is larger than I expected, and there are found many more than would be supposed living in handsome style. They are cheerful, gay and easy." He was back at Nashville on the 6th of August. A week later he writes: "I am still at Nashville. For a week I have been lounging at the house of General Jackson, once a lawyer, after a judge, now a planter; a man of intelligence, and one of those prompt, frank, ardent souls whom I love to meet." "The hospitality of these people will keep me till the 12th, when I shall partake of a public dinner, given not to the vice-president, but to A. B." After visiting Lexington and Frankfort he says: "My plans for the next month are now made up, or rather imposed on me by letters received since I wrote last and by previous engagements. On the 1st of September I leave for St. Louis. My route is to Louisville, 55 miles; Vincennes, on the Wabash,

150 miles; Kaskaskias, on the Mississippi, 150 miles; St. Louis, 75 miles. I propose to be at Cincinnati on the 1st of October, at Pittsburg about the 20th." Thus ended this important journey.

From January, 1806, to August of that year Burr spent at Washington and Philadelphia, maturing plans, of which we will hereafter have much to say. Jefferson was polite to him and occasionally invited him to dinner, apparently unconscious of ever having wronged him, while the latter was yet ignorant of the full extent of the President's ingratitude. In August Burr started on his second tour to the western states. At all the towns on the Ohio and its tributaries he was received with even a heartier welcome than was given him the summer before. Ovations met him at every important point; banquets and balls, "brilliant and chaste," were frequent occurrences, and his popularity with the people seemed to be without limit. Just at this moment, when the sky was the clearest and brightest, fell a thunderbolt, terrifying the people, blasting all of Burr's hopes, and ruining all of his plans. Let us pause for a time to learn whence this thunderbolt came and who it was that hurled it.

## CHAPTER VIII.

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### HUNTING A CONSPIRACY.

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The Message Arraigning Burr — The Investigation by Jackson — Bissell's Report — Message to Congress — Burr's Arrest — Defended by Clay — Acquitted — Clay's Letter — The Proclamation — Burr Starts Down the River — Sixty Unarmed Men with Him — Efforts to Create Clamor and Prejudice Against Burr — Special Secret Agent Sent to Kentucky and Ohio.

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In less than two years after Burr had retired from public life, the quiet of the country was startled by a proclamation from the president announcing that a military expedition was being prepared on the western waters for the purpose of invading the Spanish provinces. No further particulars were given, and the people, especially those in the western states, were thoroughly mystified. They knew nothing of such an enterprise. At the meeting of congress, which followed soon, a resolution was adopted, calling on the president for further information. To this request the president made reply in a special message of much length, elaboration, and glowing credulity. He had, he said, received a voluminous mass of information on the subject, "but," he adds, "little has been given under the sanction of

an oath, so as to constitute legal and formal evidence. It is chiefly in the form of letters, often containing such a mixture of rumors, conjectures and suspicions as renders it difficult to sift out the real facts, and unadvisable to hazard more than general outlines, strengthened by the concurrent information or the particular credibility of the relator."

"On the state of the evidence," he continues, "neither safety nor justice will permit the exposing of names, except that of the principal actor, whose guilt is placed beyond question." On this state of the evidence, on these "rumors, conjectures, and suspicions," he proceeds to arraign Aaron Burr for a high crime; he charges him with having "determined to seize on New Orleans, plunder the bank there, possess himself of the military and naval stores, and proceed on his expedition to Mexico, and to this object," he says, "all his means and preparations were now directed." All this is a wonderful deduction from evidence which is neither legal nor formal, and consisting mostly of "rumors, conjectures and suspicions." The president felt that the country would require better evidence than he had thus presented to sustain his charge. He therefore directed General Andrew Jackson to investigate the matter and report the facts. He could not have selected a better man to run down a traitor than treason-hating Andrew Jackson. His report from Jackson was given to congress soon after he had sent in his message an-

nouncing Burr's treasonable purpose. The president says: "By the letters of Captain Bissell, who commands at Fort Massac, and of Mr. Murrell to General Jackson, of Tennessee, copies of which are now communicated to congress, it will be seen that Aaron Burr passed Fort Massac on the 31st of December, with about ten boats, navigated by about six hands each, *without any military appearance.*"

The president suppressed General Jackson's personal report, and does not give, in his message, all that Captain Bissell and Mr. Murrell say and imply. The report of Captain Bissell is as follows:

"FORT MASSAC, Jan. 5, 1807.

"SIR:—This day, per express, I had the honor to receive your very interesting letter of the 2nd inst. I shall pay due respect to its contents; as yet I have not received the president's proclamation alluded to, nor have I received any orders from the department of war relative to the subject matter of your letter.

"There has not, to my knowledge, been any assemblage of men or boats, at this or any other place, unauthorized by law or precedence; but, if anything of the kind makes its appearance, which carries with it the least mark of suspicion, as having illegal enterprises or projects in view, hostile to the peace and good order of government, I shall, with as much ardor and energy as the case will admit, endeavor to bring to justice all such offenders.

“For more than two weeks last past I have made it a point to make myself acquainted with the loading and situation of all boats descending the river. As yet there has nothing the least alarming appeared. On or about the 31st ultimo, Colonel Burr, late vice-president of the United States, passed this with about ten boats, of different descriptions, navigated with about six men each, having nothing on board that would suffer a conjecture, more than a man bound to market; he has descended the rivers toward Orleans. Should anything, to my knowledge, transpire, interesting to government, I will give the most early notice in my power.

I have the honor to be, respected sir,

Your obedient servant,

DANIEL BISSELL.

GENERAL ANDREW JACKSON.”

Captain Bissell was, at the time he made this report, United States army officer in command at Fort Massac. A few years later, in the war of 1812, for meritorious conduct, he rapidly rose through all the grades from captain to brigadier general. He was certainly a vigilant officer, whose report is worthy of all confidence, especially as it is indorsed by Jefferson himself, in laying it before congress.

The following is the report of Mr. John Murrell, an agent appointed by General Jackson, to make special investigation of the actions of Burr:

“NASHVILLE, Jan. 8, 1807.

“SIR:—I received your instructions, dated the 2nd instant, and agreeably thereto I delivered your letter, addressed to General Thomas Johnson, to Colonel Cheatham, and it was forwarded to him immediately. I arrived at Centreville on the 4th instant; heard a report there that Colonel Burr had gone down the river with one thousand armed men; arrived at the mouth of the Cumberland river that evening, and made inquiry concerning Colonel Burr, and was informed that he left that place on the 28th December, 1806, with ten boats of different descriptions; had sixty men on board, but no appearance of arms. I left there on the 5th instant, and arrived at Fort Massac that evening; delivered your letter to Captain Bissell, and received his answer; made some inquiries of him, and was informed that Colonel Burr left that place on the 30th of December, with ten boats. He likewise informed me that he had been on board the boats, and seen no appearance of arms or ammunition. On my return to the mouth of the Cumberland river, I was informed that three boats had been stopped at Louisville, with a quantity of ammunition. There are about fifty men stationed at the mouth of the Cumberland, under command of Colonel Ramsey.

I remain with the highest esteem, yours,

JOHN MURRELL.

GENERAL ANDREW JACKSON.”


This is all the evidence the president presented to congress to sustain his charge against Burr or in justification of the proclamation he issued to startle the country. Did Mr. Jefferson believe, on this evidence, that Burr, with sixty unarmed men, was on his way "to capture New Orleans, plunder the bank, and steal the military and naval stores in that city, and then proceed to Mexico?" If he did, the belief in his extraordinary credulity was not an exaggeration; if he did not, what judgment should be pronounced upon his vindictive persecution of Aaron Burr?

The investigation made by General Jackson satisfied him fully that Burr had no military or unlawful purpose in view. During the trial at Richmond, Jackson visited that city and made a public speech to the people, in which he declared that Burr was guilty of no crime, and that the prosecution was simply a persecution on the part of Jefferson. And in this belief he remained as long as he lived.

The president says, in his message to congress, Jan. 22, 1807, that "sometime in the latter part of September, I received intimations that designs were in agitation in the western country unlawful and unfriendly to the peace of the Union; and that the prime mover in these was Aaron Burr, heretofore distinguished by the favor of his country. The grounds of these intimations being inconclusive, the objects uncertain, and the fidelity of that country known to be firm, the only measure taken was to

urge the informants to use their best endeavors to get further insight into the designs and proceedings of the suspected persons, and to communicate them to me." And, he adds, "It was not until the latter part of October that the objects of this conspiracy began to be perceived." If the president means to say that this was the first intimation he received of a conspiracy existing in the western country of an unlawful nature, and at the head of which was Aaron Burr, he misstates the facts. He had such intimation as early as January 10, 1806.

The United States District Attorney for Kentucky was Colonel Joseph Hamilton Daviess, a man of ability and integrity, but of unusually strong prejudices. He was so great an admirer of Alexander Hamilton that he added the name of Hamilton to his own, which before had been simply Joseph Daviess. This devotion to Hamilton caused him to entertain an intense hatred of Burr. Pondering over the visit of Burr to the west and south in the summer of 1805, Daviess finally came to the conclusion that it had some treasonable purpose in view. The fact that on this trip he had met General Wilkinson, who was generally accused of having been a pensioner of Spain, made Daviess believe that Burr was engaged with him in reviving the old schemes to separate the western states from the Union and establish a new government under the protectorate of Spain. So strongly was Daviess impressed with



this idea that on the 10th of January, 1806, he wrote to Jefferson, calling his attention to the matter, and insisting that what was now being attempted was undoubtedly the revival of the old plots of Wilkinson and Blount. Daviess continued to write the president, who at first was unresponsive. He knew of Wilkinson's former efforts; he knew the General had long been a pensioner of Spain, paid to produce discord among the western people and to bring about their separation from the Union. But he also knew such efforts were of the past and could not be revived with the consent of either the people of the western states or the Spanish authorities.

With this knowledge he gave no attention to Colonel Daviess' communications. At that time his supreme anger against Burr had not been aroused; Burr had been driven from the political field, he was no longer in his way, and he did not care to pursue him further. Therefore, Daviess' efforts to enlist his attention to Burr's movements were futile. Jefferson did not believe that Burr would engage in any unlawful scheme, much less in any treasonable effort to disrupt the Union; he knew Burr had bravely fought for the independence of the colonies and the establishment of the Union. He had himself certified to his ability, his integrity, and his sound judgment. Such a man he knew would not engage in any wild and foolish and impossible adventure, lawful or unlawful. He had, therefore, no ear for Daviess'

complaints or sympathy with his prejudices. But the time came when Jefferson's ire was aroused against Burr. It was about the middle of April, 1806, three months after Daviess had commenced his unheeded warnings, when Jefferson became possessed of the depositions of Bayard and Smith, detailing the intrigue with the Federalists, by which Jefferson secured his election to the presidency, in 1801. It was a crushing blow to the president; he believed it had been dealt by Burr's hand. It had not; the blow came from Burr's friends, and without his knowledge. It was a stain upon Jefferson's character he could not remove. He dare not even disavow it, for the witnesses were at hand and unimpeachable. His mind was then filled with venom and vengeance against Burr, and he determined to pursue him to the death.

It then occurred to the president that the Daviess suspicions might be doctored into something respectable enough to cover an attack on Burr. Cautious inquiries were made, but without avail; Daviess' suspicions did not seem to be shared by any other person. No one knew of anything like a conspiracy on or near the western waters. It was not until near the end of September that he began to receive intimations that designs were in agitation in the western country, unlawful and unfriendly to the peace of the Union. Although it had taken five months to work up these intimations, they were not

entirely satisfactory. They were, the president said, "inconclusive," their "objects uncertain." The people seemed apathetic, they did not appear to take any interest in the matter, and were apparently unconscious of the danger surrounding them.

It would be necessary to change these conditions before the president dare commit himself through a public proclamation. The people of the western states must, in some way, be aroused and their fears excited by a knowledge of the danger threatening them. The president, therefore, thought it necessary to send secretly a trusty agent to spy out "the plots going on" among these deluded people, and especially advise the "Governors and other officers, civil and military," of the serious conditions surrounding them, and of which they seemed utterly unconscious. Beside the precaution of sending out this "confidential agent" to the western waters, the president thoughtfully sent orders to the "Governors of the Orleans and Mississippi territories, and to the commanders of the land and naval forces there," to caution them of the danger of being taken by surprise. Instructions were forwarded, also, to General Wilkinson, the commander of the army of the United States, then stationed on the Sabine, to repel a threatened invasion of the country by Spanish troops. The general was instructed to hurry up a settlement of the terms of peace with the Spanish commandant, and hasten back to the banks of the

Mississippi, "for the defense of the interesting points on that river." It must not be forgotten that up to this time, the president had received no conclusive evidence which enabled him to single out for pursuit any distinct purpose of the conspirators; indeed, his information was so incomplete it did not enable him to be certain of more than one individual belonging to the conspiracy. It must be conceded, then, that the precautions taken by the president to protect the government and the Union, from threatened danger, were amply sufficient.

It is not certainly known just when the correspondence between the President and General Wilkinson began, or which of the parties initiated it, but it is well known that about this time it was in active operation. Messengers, between the correspondents, were passing and repassing with little intermission, as though the negotiations were not only of the highest importance, but of the most difficult conclusion. It is not, indeed, known whether the delay was caused in securing the condoning of Wilkinson's old crimes or in gaining his consent to the commission of new ones. After events cast much light upon this mystery. The president lifts the veil, in part, on the 27th of November, when, in consequence of a communication received from Wilkinson, two days before, he determines to apprise the people "on the western waters" that serious danger threatened them. In this proclamation no mention

is made of Burr; it simply announces that "sundry persons" are confederating "to provide and prepare the means for a military expedition or enterprise against the dominions of Spain." There is no charge of any treasonable movement made or contemplated against the United States, but all military and civil officers are instructed to watch the enterprise, and to seize and hold all persons engaged in it. The effect of this proclamation was to mystify the people living upon the western waters. They knew of no confederation or conspiracy to effect the purpose announced by the president, and believed none existed.

The president's emissaries as yet had not been successful; they had failed to arouse the people to a sense of danger, or to move the governors and other officials to take active interest in the matter. It was, therefore, determined by the government that renewed efforts should be made to alarm the country. John Graham, the secretary of Orleans territory, was directed to visit Kentucky and Ohio for the purpose of arousing the officials to greater activity.

Graham went first to Ohio and began investigations, but could gain no information; peace, prosperity and quiet prevailed. He called upon Governor Tiffin, who assured him there was no war, nor any signs of war, in that state. The "special agent" insisted he was mistaken. There were some boats being built for Colonel Burr, on the Muskingum river, evidently for some improper purpose, and

these, the agent said, should be seized and destroyed. But, the governor insisted, such boats are not war vessels; they are being constantly built for others, and used in the ordinary river traffic. They are too frail for war purposes, and, besides, there is no war pending or likely to be soon. The governor was obdurate. Then Graham produced the orders of the president. Still the governor hesitated, but consented to refer the matter to the legislature, then in session.

The legislature responded promptly and passed "an act to prevent certain acts hostile to the peace and tranquility of the United States, within the jurisdiction of the state of Ohio." Under the authority of this law the governor ordered out the militia of the county. A local report, made at the time, records the doings of this company as follows: "A warlike array of undisciplined militia, with cannon, necessary equipage and arms, stationed themselves along the banks of the river, to cut off the forces expected from above. Many amusing jokes were got off at the expense of the raw recruits during this campaign, such as setting an empty tar barrel on fire and placing it in an old boat or raft of logs, to float by in the darkness of night. The sentries, after duly hailing and receiving no answer, would fire a shot to enforce their commands; but still dead silence reigned, and calmly the phantom vessel, with her stolid crew, floated onward and downward, in utter recklessness

and indifference. Irritated at such manifest contempt of their high authority, they plunged into the stream to seize the boat and capture its luckless navigators, when 'confusion, utterly confounded,' nothing appeared but the remains of a log and a barrel, which some laughter-loving wag had freighted for their mischance and his own amusement." Pranks of this kind and others more amusing, were nightly played off on these reluctant defenders of the Union. It was the only war discovered within the borders of Ohio, and Graham's special mission failed in its main purpose.

The only real war known to the western waters occurred at Blennerhassett's Island, in Wood county, Virginia, and for this Mr. Graham was in no way responsible. It was instigated solely by the president's proclamation and the patriotism of the people of Wood county. A company of militia invaded the island to storm the enchanted castle thereon, but found it deserted. They valiantly broke down the doors, entered and took possession. In the cellar they found a store of wines and brandies—these they drank and were soon drunk. Then the war began, drunkenness gave them courage, and courage and patriotism combined, made them belligerent. Soon the beautiful home, so eloquently described by Wirt in one of his speeches at the trial of Burr, was in ruins, the furniture broken into fragments, the embellishments torn from the walls, the pictures de-

faced, the books ruined, the carpets, curtains and everything utterly destroyed. And the shrubbery — “a shrubbery which Shenstone might have envied,” was trodden down and ruined by the drunken militia. This was war, devastating war, not by a conspiracy of traitors, but the legitimate result of a wicked effort to excite and inflame the public mind, by a credulous and revengeful executive.

Colonel Daviess, the United States district attorney for Kentucky, had, for nearly a year, been writing, letter after letter, to Jefferson assuring him that a treasonable conspiracy existed on the Ohio, but Jefferson gave no heed to his importunity. Daviess at length determined to act on his own responsibility. On the 5th of November he filed an affidavit in the United States district court, then in session at Frankfort, charging Burr with having formed an enterprise, the purpose of which was to invade Mexico and make war upon Spain, all of which was in violation of the laws of the United States. He thereupon moved for the arrest of Burr. After a few days consideration the judge decided that the evidence presented was not sufficient to authorize the arrest demanded. Daviess then asked that a grand jury be summoned to consider the evidence. The court hesitated, and was about to refuse the request, when Burr, who was present, rose and insisted that the grand jury should be called and the investigation made. A grand jury was at once formed from

the people present, and the examination set for that day week. On the day appointed the court house was crowded to suffocation; not only the citizens of Frankfort, but for miles around, the people had come to hear the result. When the jury was called one member did not respond; during the delay in filling the vacancy, Colonel Daviess moved the dismissal of the jury, saying he was not ready to present his evidence. This announcement was greeted with roars of laughter and shouts of derision. from the crowded court room. There did not seem to be a single individual in sympathy with Daviess; the united voice of the people was in wild acclaim for Burr.

But Daviess was not disheartened; on November 25th he renewed his motion, and December 2nd was set for the presentation of the evidence. This second attempt to indict Burr proved as great a farce as was the first, and ended with the same wild demonstration of approval by the people. Henry Clay was attorney for Burr on both these occasions. In a letter to Dr. R. Pindell, in December, 1828, he gives a graphic description of the scene in the courtroom, on the return of the jury refusing to indict Burr. He says: "Public prosecutions were commenced, in the Federal Court of Kentucky, against Colonel Burr, in the fall of 1806." He applied to me and I engaged as his counsel, in conjunction with the late Colonel John Allen, to defend him. The prosecutions were conducted by the late Colonel

Joseph Hamilton Daviess, a man of genius, but of strong prejudices, who was so great an admirer of Colonel Hamilton, that, after he had attained full age, he (Colonel D.) adopted a part of his name as his own. Both Colonel Allen and myself believed there was no ground for the prosecutions, and that Colonel Daviess was chiefly moved to institute them by his admiration of Colonel Hamilton and his hatred of Colonel Burr. Such was our conviction of the innocence of the accused, that, when he sent us a considerable fee we resolved to decline accepting it, and accordingly returned it. We said to each other: Colonel Burr has been an eminent member of the profession, has been attorney-general of the state of New York, is prosecuted without cause in a distant state, and we ought not to regard him in the light of an ordinary culprit. The first prosecution entirely failed. A second was shortly afterward instituted. Between the two I was appointed a senator of the United States. In consequence of that relation to the general government, Colonel Burr, who still wished me to appear for him, addressed the note to me, of which a copy is herewith transmitted. I accordingly again appeared for him, with Colonel Allen; and when the grand jury returned the bill of indictment not true, a scene was presented in the court-room which I had never before witnessed in Kentucky. There were shouts of applause from an audience not one of whom, I am persuaded, would

have hesitated to level a rifle against Colonel Burr if he believed that he aimed to dismember the Union, or sought to violate its peace or overturn its constitution."

A few days before this triumphal acquittal of Burr, not only by the grand jury of Kentucky but by the unanimous voice of the people, Jefferson launched upon the country a proclamation opening with the following statement:

"Whereas information has been received that sundry persons, citizens of the United States or residents within the same, are conspiring and confederating together to begin and set on foot, provide and prepare the means for a military expedition or enterprise against the dominions of Spain; that for this purpose they are fitting out and arming vessels in the western waters of the United States, collecting provisions, arms, military stores and means; are deceiving and seducing honest and well-meaning citizens, under various pretenses, to engage in their criminal enterprises; are organizing, officering and arming themselves for the same, contrary to the laws in such cases made and provided."

It is not probable that Jefferson, with all his extraordinary credulity, believed a single word of this statement. In any proper sense there is not one word of truth in it. There was no conspiring to set on foot a military expedition for any purpose; there was no fitting out and arming vessels on the

western waters; there was no collecting of arms and military stores; there was no seducing of any one to engage in criminal enterprises; there was no officering or arming for any purpose. The whole statement in the sense intended was utterly void of truth.

This was shown positively by the official report of Captain Bissell, dated January 5, 1807, more than a month after the date of the president's proclamation. Captain Bissell was the commandant of Fort Massac, a military station on the Ohio river, one of the principal of the western waters, on which the president locates the activity of the conspirators in "fitting out and arming vessels," and preparing a military expedition "against the dominions of Spain." Captain Bissell was a vigilant officer, who rose to distinguished rank in the United States service. No such preparation could be going on around him and he not know it. Yet six weeks after the proclamation was issued he certifies that "There has not, to my knowledge, been any assemblage of men or boats, at this or ~~any~~ other place, unauthorized by law or precedence." There was not one word of truth in the proclamation. Jefferson's credulity and his vindictive feelings toward Burr, at that time, led him to issue his proclamation, with no other evidence of its necessity than the groundless and ridiculous rumors set afloat by his own emissaries in the first instance. His strong and persistent fight to convict Burr afterward was largely to avoid the ridicule

which would follow the discovery that he had thrown the country into intense excitement and wild alarm over a "bugaboo."

Nearly two months after he issued his scare proclamation, Jefferson, in his message to congress, of the 22nd January, 1807, admits he had no just grounds for alarming the country by the action he had taken. Even then, two months after the declarations made in his proclamation, he had no reliable evidence to sustain his assertions. He tells congress in this message, referring to the evidence that a conspiracy existed, for the purpose he had named, "The mass of what I have received in the course of these transactions, is voluminous; but little has been given under the sanction of an oath, so as to constitute formal and legal evidence. It is chiefly in the form of letters, often containing such a mixture of rumors, conjectures and suspicions, as renders it difficult to sift out the real facts, and unadvisable to hazard more than general outlines, strengthened by concurrent information, on the particular credibility of the relator." This is certainly a humble confession to make two months after he had startled the country with the false statement that conspirators "are fitting out and arming vessels in the western waters," "collecting provisions, arms, military stores," "and are organizing, officering and arming themselves," "for a military expedition or enterprise against the dominions of Spain." Nothing of this kind was be-

ing done or even in contemplation, nor did the people living on the western waters even suspect anything of the kind, at the time Jefferson issued his proclamation. How could all this be doing and the people know nothing of it? How could Jefferson believe it when he could name but one man who was engaged in it?

## CHAPTER IX.

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### TERRORIZING THE PEOPLE.

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Wilkinson's Work at New Orleans — Creating Excitement and Clamor—  
Trampling upon the Constitution and the Law—Defying the  
Courts—Making Military Arrests—Arresting and Deporting Inno-  
cent Men—Suspension of Habeas Corpus by the Senate—A Sti-  
pendiary of Spain—Randolph Denounces Wilkinson—Jefferson De-  
ceives Bollman—Clark's Statement.

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But the terror Jefferson had created on the west-  
ern waters by his proclamations and orders and  
secret emissaries, was trifling compared to that pro-  
duced by his special agent, Wilkinson, at New Or-  
leans. He was doing the president's work with a  
zeal that shamed into insignificance anything at-  
tempted in Ohio or Kentucky. He was working to  
secure the condoning of his own crimes, which were  
blacker and baser than anything ever alleged against  
Burr. As John Randolph phrased it, "to cover him-  
self from suspicion he out-Heroded Herod" in his  
efforts to create excitement against Burr. He was  
commander of the army at New Orleans; he was  
charged with the duty of defending that city from  
the threatened attack. He knew just what force was

coming to attack it; and he knew that a corporal's guard from his own army could capture the whole of Burr's party. But it did not suit his instructions to proclaim this to the people.

His duty was to terrorize the people, to frighten them into the belief that Burr was coming with a large and lawless horde of marauders to capture the city, rob the banks, plunder the people, and steal everything belonging to the government. This work he did thoroughly; he brought in a body of soldiers; he took command of the militia; he called the legislature together and demanded money to pay for the fortifications to be erected. The rumors he put in circulation were as numerous as they were ridiculous. He created the belief that the conspiracy covered the whole country; that men of wealth were contributing large sums to furnish the sinews of war. That already thousands of young men, in the east as well as in the west, were enlisted under Burr's banner, and prepared to march whenever he gave the order.

At one time it was announced that an army numbering thousands was on the march to capture New Orleans, seize all the shipping in port, and sail on to the conquest of Mexico. Again Burr with two thousand men was descending the river, in armed vessels, to sack the city, rob the banks and business houses, and perhaps murder the inhabitants. Martial law was proclaimed, and proclamations issued

notifying every able-bodied man to hold himself in readiness at a moment's notice to fall into ranks and repel the invaders. Meetings were held, at which Wilkinson made speeches and assured the people he was ready to shed the last drop of his blood in their defense. Volunteer companies were formed and paraded the streets during the day and were advised to sleep on their arms at night. Nothing was too ridiculous to be told or believed.

He sent a special messenger to the British admiral at Jamaica, to warn him against Burr's emissaries, who were, he said, on their way to enlist him in their cause. The marines on the vessels in port, not only American but foreign also, were appealed to and their assistance implored. All business was neglected. The country people dared not visit the city, and extreme suffering seized the poorer classes. But this folly could not last; as time passed and no invaders appeared, the voice of reason began to be heard. Sensible men protested against Wilkinson's arbitrary proceedings, and a reaction set in. "The savior of the city," as Wilkinson had proclaimed himself, was openly derided and assailed with ridicule. The press denounced him, and the grand jury presented his proceedings as unlawful. But he was military commander and able to defy those who objected. And one writer says, being "comforted by a very long, complimentary and confidential letter from Jefferson, he held his course, and ruled the

territory with a high and mighty hand—to the wrathful disgust of a majority of the American residents.” Indeed knowing that the president approved and sustained his proceedings he cared nothing for the complaints of the people, but continued to set at defiance the civil government and the constitution of the United States, seizing persons charged with no crime, and sending them hundreds of miles away as military prisoners.

The case of Dr. Erick Bollman was ~~one among many.~~ Bollman was an educated gentleman, recently brought into public notice by a gallant but unsuccessful effort to aid the escape of General Lafayette from his prison in the castle of Olmutz, Austria. Bollman was seized by Wilkinson's order, hurried to a vessel anchored off the city, and started to Washington, fifteen hundred miles away, a military prisoner. Along with Bollman was sent Swartwout. Ogden was arrested but held at New Orleans. The superior court of the city issued a writ of *habeas corpus*, at Ogden's instance, and set him free. Wilkinson again arrested him and the court again ordered him released. Wilkinson defied the court and held his prisoner. Wilkinson was attached for contempt of court, and he treated the attachment with contempt. The court was powerless to enforce the law, and in disgust the judge resigned. Wilkinson then ~~became military dictator of the city,~~ and continued to ~~arrest and deport men without restraint.~~

In his message of January 22d, the president refers to recent letters received from Wilkinson, and then says: "By these it will be seen that three of the principal emissaries of Mr. Burr, whom the General has caused to be apprehended; one had been liberated by *habeas corpus*, and two others, being those particularly employed in the endeavor to corrupt the general and army of the United States, have been embarked by him for ports in the Atlantic states, probably on the consideration that an impartial trial could not be expected during the present agitation of New Orleans, and that that city was not as yet a safe place of confinement. As soon as these persons shall arrive, they will be delivered to the custody of the law, and left to such course of trial, both as to place and progress, as its functionaries may direct. The presence of the highest judicial authorities, to be assembled at this place within a few days, the means of pursuing a sounder course of proceedings here than elsewhere, and *the aid of the executive means*, should the judges have occasion to use them, render it equally desirable for the criminals as for the public, that, being already removed from the place where they were first apprehended, the first regular arrest should take place here, and the course of proceedings receive here their proper direction."

This is a remarkable statement in several respects. The president assumes the guilt of these "criminals" before they have been legally arrested,

tried and convicted. He justifies Wilkinson's unlawful acts in arresting and transporting these men and tries to excuse them, on the flimsy grounds that the prisoners could not safely be held or fairly tried where, if they were guilty, their crimes had been committed. He promises to deliver them to the custody of the law. He thinks they can be tried at Washington as well as elsewhere, and offers the courts the "aid of the executive means" to bring the "criminals" to justice, and suggests that their first regular arrest be now made. He flounders greatly in his attempts to excuse Wilkinson, and shows anxiety to hold the "emissaries" now that he has them in possession.

But the real reason for bringing these men from New Orleans to Washington, was not to try them for crime committed. Jefferson knew, and Wilkinson knew, there was no evidence to convict them of any crime whatever. What they were working for was evidence against Burr. They believed these men might be induced to tell something tending to criminate Burr. Wilkinson had failed, and Jefferson now wished to try his powers. He did try; he examined Bollman for hours, privately in his room in the executive mansion. But he failed to secure any evidence of unlawful proceedings on the part of Burr. He then tried another plan. Bollman was a foreigner, imperfectly acquainted with the use of English words, and therefore awkward in expression.

Jefferson hoped if he could get Bollman to repeat his statement in writing he might, through some blunder of expression, criminate himself, and possibly Burr as well. On the day following his examination by Jefferson, Bollman received the following note from the president:

"The communications which Doctor Bollman made yesterday to Thomas Jefferson were certainly interesting; but they were too much for his memory. From their complexion and tendency, he presumes that Dr. Bollman would have no objection to commit them to writing, in all the details into which he went yesterday, and such others as he may have then omitted, Thomas Jefferson giving him *his word of honor* that they shall never be used against himself, and that the paper shall never go out of his hand.

January 25, 1807."

Notwithstanding Mr. Jefferson had pledged "his word of honor" that the paper should not be used against Bollman, and that it should "never go out of his hand," the identical paper turned up at the trial of Burr, in the hands of the district attorney, together with a pardon for Bollman, on condition he would testify in the case. This pardon Bollman indignantly refused to accept, declaring he had done nothing requiring a pardon. In commenting on this matter afterwards, Bollman said: "The president had given 'his word of honor' that this paper should not be used against myself; and yet on it was predi-

cated the pretended necessity of a pardon for my personal safety. The attorney for the district (Mr. Hay), in open court, when offering me the patent pardon, referred to it. Nay, when I indignantly refused that pardon, he reminded me of the horrors of an ignominious fate, in order, if possible, to change my determination. Is a paper not used against me when, on account of its contents being misunderstood, I am thus assailed with the tender of a badge of infamy? Is life, in Mr. Jefferson's opinion, all; and character and reputation, which alone can render it desirable, nothing?" Dr. Bollman was surprised that Mr. Jefferson valued his honor so lightly, and could not understand why he should be offered a pardon when he had not been tried or convicted of any crime. But he did not understand the president; he did not know that Mr. Jefferson had solemnly declared Burr and all "accomplices" guilty, and that, of course, they were to be considered guilty without further question.

To prevent the release by the courts of the prisoners unlawfully arrested by Wilkinson, and possibly of Burr himself, Jefferson at once sought to have the writ of *habeas corpus* suspended. On the evening of the day he sent in his message lamenting that the courts were interfering with Wilkinson's arrests, he sent for Senator Giles, of Virginia, a member of what John Randolph called "the president's back stairs cabinet." Giles was instructed in the

importance of having the courts tied up for two or three months, so that they could not release prisoners arrested by military authority, and also in the necessity of prompt action in the matter. Giles engaged in the work with alacrity. The following morning, January 23rd, he moved the senate go into secret session. He then moved that a committee consisting of Giles, Adams and Smith, of Maryland, be appointed to inquire into the expediency of suspending the privilege of the writ of *habeas corpus*. That the committee might understand the necessity of immediate action, the president's message of the day before (the 22d) was also referred to it. The committee met, and in a few minutes Mr. Giles reported a bill suspending the privilege of the writ in certain cases, for three months. The rules were by unanimous consent suspended, the bill was read three times, was engrossed, and the title declared to be "An act to suspend the privilege of the writ of *habeas corpus* for a limited time in certain cases." The bill passed all the stages of legislation, in less than two hours, in a subservient senate. It is not necessary to characterize this work; it was, at the time, severely and almost universally denounced as an outrage.

This bill was sent to the house of representatives, with a request that it be considered confidentially. The house, therefore, received it with closed doors. When the bill was read for information, a member

declared it ought not to be considered in secret, and moved that the doors be opened. This motion prevailed by a vote of 123 in the affirmative and 3 in the negative. A motion was then made that the bill be rejected. This motion was a rebuff to the senate for passing the bill, a motion which is regarded as the greatest possible indignity. For this reason some members opposed it. After discussion, the motion was adopted by a vote of 113 ayes to 19 nays.

The debate on this question in the house no doubt made the president writhe not a little. It was fully understood for what purpose the bill had been so hastily rushed through the senate, and at whose request the indecent work had been done. The president was lampooned quite freely for attempting to frighten the country when there was nothing to be scared at. One member quoted the president as saying: "On the whole, the fugitives from Ohio, and their associates from the Cumberland, or any other places in that quarter, cannot threaten serious danger to the city of New Orleans." "And if this be the case," asks the member, "upon what ground shall we suspend the writ of *habeas corpus*?" This member had not yet learned that the will of the president was sufficient ground for any proceeding.

Another member devotes his time entirely to an effort to alleviate the president's fright by convincing him that there is no danger threatening the country or its people. He refers to the fact that the presi-

dent informed congress that the force of the conspirators consisted of "some boats, accounts vary from five to double or treble that number, and persons, differently estimated from one to three hundred, had passed the falls of the Ohio to rendezvous at the mouth of the Cumberland river." "From the same document," continues this member, "it appears that the force which went down the Cumberland river amounts to two boats, in one of which is Aaron Burr. From this statement, it appears that the largest calculation as to the actual force of the conspirators is three hundred. But we know the propensity of human nature to magnify accounts of this kind; we may fairly infer that the whole force does not exceed one hundred and fifty men. To oppose this we have one thousand regular troops and the militia of Ohio, Kentucky, Tennessee and of the Mississippi and Orleans territories. Is there a man present who believes, on this statement, that the public safety requires a suspension of the *habeas corpus*?" Five days after this argument was made the president officially informed congress that the whole force of the "conspirators" consisted of ten boats with six men to a boat, and were "without any military appearance." The president may have been frightened; he may have frightened the senate, but the cooler heads of the house of representatives ridiculed their fright and rejected their proposition to suspend the writ of *habeas corpus*, by an almost

unanimous vote. It is thus shown that, notwithstanding the clamor created by the president in the western states, the common sense of congress was never deceived by it.

To assuage the disappointment of the president, caused by the unceremonious rejection of the senate bill suspending the privilege of the writ of *habeas corpus*, some of his friends in the house of representatives introduced a bill to amend the existing law. The discussion of this amendment involved a free reference to Wilkinson's conduct at New Orleans, and from many of the members severe condemnation of it. The high handed violations of the law, of the constitution, and the universally acknowledged rights of the citizen, by the commander-in-chief of the army, were pointed out and severely censured by many members of congress. The president had before this put them officially in possession of the fact that Burr's whole party consisted of sixty unarmed men, and that these were dispersed and the expedition broken up. [Therefore, any tampering with the privilege of the writ of *habeas corpus* could only be for the single purpose of enabling the military authorities to hold Aaron Burr a prisoner in despite of any interference by the civil law courts.]

Under these circumstances the debate in congress turned mainly upon the unlawful conduct of Wilkinson at New Orleans. John Randolph said: "I trust in God that no such *ex post facto* provision

will be agreed to as was foisted into the bill which came from the senate, to suspend the *habeas corpus*, and which was intended in a side way to cover with a mantle the most daring usurpation which ever did, will, or can happen, in this or any other country. There was exactly as much right to *shoot* the persons in question as to do what has been done."

Again Mr. Randolph says: "Is this house ready to sanction the doctrine that an open and avowed contempt of the civil by the military authority shall be considered as nothing more than a common violation of law? A refusal to respect the writ of *habeas corpus* by a civil officer is a high misdemeanor. Much more is it a misdemeanor when committed by a military man, and more especially if by the commander-in-chief of an army. With regard to plots and plotters, conspiracies and conspirators, I am not their friend. If they exist, I would deal with them according to law; I would give them sheer law; they would have no more mercy at my hands. Do gentlemen, however, pretend to say that you can proceed against a man otherwise than according to law? I stand here as the advocate of the law. Laying aside the question of guilt, I say proceed according to law. If you do not do this, you may first incarcerate a man, and afterwards summon a *venire* to try whether the act is justifiable. It is said dead men tell no tales. I will put a case: I will suppose Aaron Burr a conspirator against the United States,

a traitor. Let him die. If so I would hear the sentence pronounced with pleasure.

"But suppose another thing—suppose a conspiracy has been going on for several years; suppose a person has been for several years concerned in it, and to cover himself from suspicion he out-Herods Herod, and because his weak nerves cannot endure the sight of a traitor he stabs him. Is this to be justified? It is well known that a conspiracy to separate Kentucky from the Union is no new thing, and no zeal which any man concerned in it may now manifest can throw off suspicion from his shoulders."

Mr. Randolph was no friend to Burr; he was the foreman of the grand jury which indicted him, but he tells a fact here it is well to know, in considering Burr's prosecutions. It is known and was admitted at Richmond that the whole case against Burr depended upon Wilkinson's testimony. Mr. Wirt said, his testimony "is the keystone which binds the great arch of evidence now in our possession." Nothing could be done until this witness arrived, and the grand jury was idle for nearly a month waiting for him. His zeal was wonderful; to procure evidence to convict Burr he defied the law, violated the constitution and disregarded everything like decency or propriety. Why all this? Mr. Randolph tells. It was to "cover himself from suspicion," to protect himself from prosecution, for crimes more infamous

than any alleged against Burr. It was known, and the proof was in Mr. Randolph's possession, that Wilkinson had for many years been the head of a conspiracy to separate Kentucky from the Union at the time the Spaniards held the mouth of the Mississippi; Spanish money was paid to Wilkinson as the leader of this conspiracy, and for many years he was a stipendiary of Spain. Randolph, at the succeeding session of congress, presented the proofs of this fact to congress, and after full discussion, by a vote of 72 to 49, congress adopted the following resolution:

*"Resolved, That the president of the United States be requested to cause an inquiry to be instituted into the conduct of Brigadier-General Wilkinson, commander-in-chief of the armies of the United States, in relation to his having, at any time, while in the service of the United States, corruptly received money from the government of Spain or its agents."*

The large majority by which this resolution was adopted by the house of representatives, shows that body was well convinced that Wilkinson was guilty of the crime imputed to him. As it was admitted by the prosecution that the whole case against Burr, on his trial at Richmond, depended on the testimony of this witness, we will be pardoned for giving at some length the evidences of his unworthiness. And we will give mainly the same facts upon which the members of congress based their belief of his guilt.

All we give and much more will be found in the annals of congress for the session of 1807 and 1808.

First, we give the main portion of a letter written in cipher, by Wilkinson to Don Gayoso, the Spanish governor at Natchez, afterward governor of Louisiana :

FORT WASHINGTON, Sept. 22, 1796.

What political crisis is the present, and how deeply interesting in its probable results, in all its tendencies, \* \* \* \* and thereby must hope it may not be carried into execution. If it is, an entire reform in the police and military establishments of Louisiana will be found immediately indispensable to the security of the Mexican provinces. I beg you to write me fully on this question, in cipher, by Power, whose presence in Philadelphia is necessary, as well to clear his own character, attacked by Wayne, as to support the fact of the outrage recently offered to the Spanish crown in his person, and to bring me either the person or the deposition of a man now under your command, who had been suborned by Wayne to bear false witness against me, and afterwards, for fear he should recant, bribed him to leave Kentucky. Power will give you the perfect of this infamous transaction, and I conjure you by all the ties of friendship and of policy, to assist him on this occasion. If Spain does not resent the outrage offered to Power in the face of all Kentucky \* \* \* My letter to the Baron will explain the

motives which carry me to Philadelphia, from thence I will write again to you. Power will explain to you circumstances which justify the belief of the great treachery that has been practiced with respect to the money lately sent me. For the love of God and friendship, enjoin great secrecy and caution in all our concerns. *Never suffer my name to be written or spoken.* THE SUSPICION OF WASHINGTON IS WIDE AWAKE. Beware of Bradford, the Fort Pitt refugee — he seeks to make peace — there are spies everywhere. We have a report here that you are appointed governor of Louisiana. God grant it, as I presume the Baron will be promoted. I am your affectionate friend.

W.

Certified as received February 6, 1797.

At the time Mr. Randolph presented his resolution Mr. Daniel Clark was the delegate in congress from Orleans territory. As he had for many years been a subject of the Spanish government, and familiar with that government's transactions with Wilkinson, he was requested by resolution of the house to make a statement of what he knew about them. Mr. Clark complied with this request by presenting a statement under oath as follows:

“In obedience to the direction of the house of representatives, expressed in their resolution of Friday last, I submit the following statement:

“I arrived from Europe at New Orleans in December, 1786, having been invited to the country by

an uncle of considerable wealth and influence, who had been long resident in that city. Shortly after my arrival, I was employed in the office of the secretary of the government—this office was the depository of all state papers. In 1787 General Wilkinson made his first visit to New Orleans, and was introduced by my uncle to the governors and other officers of the Spanish government.

“In 1788 much sensation was excited by the report of his having entered into some arrangements with the government of Louisiana to separate the western country from the United States, and this report acquired great credit upon his second visit to New Orleans in 1789. About this time I saw a letter from the General to a person in New Orleans, giving an account of Colonel Connolly’s mission to him from the British government in Canada, and of proposals made to him on the part of that government, and mentioned his determination of adhering to his connection with the Spaniards.

“My intimacy with the officers of the Spanish government, and my access to official information, disclosed to me shortly afterwards some of the plans the General had proposed to the government for effecting the contemplated separation. The general project was, the severance of the western country from the United States, and the establishment of a separate government in the alliance and under the protection of Spain. In effecting this, Spain was to furnish

money and arms, and the minds of the western people were to be seduced and brought over to the project by liberal advantages resulting from it, to be held out by Spain. The trade of the Mississippi was to be rendered free, the ports of New Orleans to be opened to them, and a free commerce allowed in the productions of the new government with Spain and her West India islands.

“I remember about the same time to have seen a list of names of citizens of the western country which was in the handwriting of the General, who were recommended for pensions, and the sums were stated proper to be paid to each; and I then distinctly understood that he and others were actually pensioners of the Spanish government.

“I had no personal knowledge of money being paid to General Wilkinson, or to any agent for him, on account of his pension, previously to the year 1793 or 1794. In one of these years, and in which I cannot be certain until I can consult my books, a Mr. La Cassagne, who I understood was postmaster at the Falls of Ohio, came to New Orleans, and, as one of the association with General Wilkinson, in the project of dismemberment, received a sum of money, four thousand dollars of which, or thereabout, were embarked by a special permission, free of duty, on board a vessel which had been consigned to me, and which sailed for Philadelphia, in which vessel Mr. La Cassagne went passenger. At and

prior to this period I had various opportunities of seeing the projects submitted to the Spanish government, and learning many of the details from the agents employed to carry it into execution.

“In 1794 two gentlemen of the name of Owens and Collins, friends and agents of General Wilkinson, came to New Orleans. To the first was intrusted, as I was particularly informed by the officers of the Spanish government, the sum of six thousand dollars, to be delivered to General Wilkinson on account of his own pension and that of others. On his way, in returning to Kentucky, Owens was murdered by his boat's crew, and the money, it was understood, was made way with by them. This occurrence occasioned considerable noise in Kentucky, and contributed, with Mr. Power's visit at a subsequent period, to awaken the suspicion of General Wayne, who took measures to intercept the correspondence of General Wilkinson with the Spanish government, which were not attended with success.

“Collins, the co-agent with Owens, first attempted to fit out a small vessel in the port of New Orleans, in order to proceed to some port in the Atlantic states; but she was destroyed by the hurricane of the month of August of 1794. He then fitted out a small vessel in the Bayou St. John, and shipped in her at least eleven thousand dollars, which he took round to Charleston.

“This shipment was made under such peculiar

circumstances that it became known to many, and the destination of it was afterwards fully disclosed to me by the officers of the Spanish government, by Collins, and by General Wilkinson himself, who complained that Collins, instead of sending him the money on his arrival, had employed it in some wild speculations to the West Indies, by which he had lost a considerable sum, and that in consequence of the mismanagement of his agents he had derived but little advantage from the money paid on his account by the government.

“Mr. Power, as he afterward informed me, on his tour through the western country, saw General Wilkinson at Greenville, and was the bearer of a letter to him for the secretary of the government of Louisiana, dated the 7th or 8th of March, 1796, advising that a sum of money had been sent to Don Thomas Portell, commandant at New Madrid, to be delivered to his order. This money Mr. Power delivered to Mr. Nolan, by Wilkinson's directions. What concerned Mr. Nolan's agency in this business I learned from himself, when he afterwards visited New Orleans.

“In 1797 Power was intrusted with another mission to Kentucky, and had directions to propose certain plans to effect the separation of the western country from the United States. These plans were proposed and rejected, as he often solemnly assured me, through the means of a Mr. George Nicholas, to

whom, among others, they were communicated, who spurned the idea of receiving foreign money. Power then proceeded to Detroit to see General Wilkinson, and was sent back by him, under guard, to New Madrid, from whence he returned to New Orleans. Power's secret instructions were known to me afterwards, and I am enabled to state that the plan contemplated entirely failed.

"In the month of October, 1798, I visited General Wilkinson, by his particular request, at his camp at Loftus' Heights, where he had shortly before arrived. The General had heard of remarks made by me on the subject of his pension, which had rendered him uneasy, and he was desirous of making some arrangements with me on the subject. I passed three days and nights in the General's tent. The chief subjects of our conversation were the views and enterprises of the Spanish government in relation to the United States, and speculations as to the result of political affairs. In the course of our conversation he stated that there was still a balance of ten thousand dollars due him from the Spanish government, for which he would gladly take in exchange Governor Gayoso's plantation, near the Natchez, who might reimburse himself from the treasury at New Orleans. I asked the general whether this sum was due on the old business of the pension. He replied that it was, and intimated a wish that I should propose to Governor Gayoso a

transfer of his plantation for the money due him from the Spanish treasury. The whole affair had always been odious to me, and I declined any agency in it. I acknowledged to him that I had often spoken freely and publicly of his Spanish pension, but I told him I had communicated nothing to his government on the subject. I advised him to drop his Spanish connection. He justified it heretofore from the peculiar situation of Kentucky; the disadvantages the country labored under at the period when he formed his connection with the Spaniards, the doubtful and distracted state of the Union at that time, which he represented as bound together by nothing better than a rope of sand. And he assured me solemnly that he had terminated his connections with the Spanish government, and that it should never be renewed. \* \* \* \* \*

“This summary necessarily omits many details tending to corroborate and illustrate the facts and opinions I have stated. No allusion has been had to the public explanations of the transactions referred to made by General Wilkinson and his friends. So far as they are resolved into commercial enterprises and speculations, I had the best opportunity of being acquainted with them, as I was, during the time referred to, the agent of the house who were consignees of the General at New Orleans, and who had an interest in his shipments, and whose books are in my possession.

DANIEL CLARK.

WASHINGTON CITY, Jan. 11, 1808.”

This is attested as having been sworn to before William Cranch, chief judge of the circuit court of the District of Columbia.

Other evidence is presented and the whole subject fully discussed by congress, commencing on December 31, 1807.

Mr. Jefferson's knowledge of this criminal and treasonable conduct on the part of General Wilkinson dates from about March 1, 1802. He fixes the date himself, in a communication to congress, dated January 20, 1808. He says, in referring to these charges against Wilkinson: "About a twelvemonth after I came to the administration of the government, Mr. Clark gave some verbal information to myself, as well as to the secretary of state, relating to the same combinations for the dismemberment of the Union. He was listened to freely; and he then delivered the letter of Governor Gayoso, addressed to himself, of which a copy is now communicated. After his return to New Orleans, he forwarded to the secretary of state other papers, with a request that, after perusal, they be burnt. This, however, was not done, and he was so informed. and that they would be held subject to his orders." It was with this knowledge of the infamous character of Wilkinson that Jefferson indorsed him as an honorable soldier and a good citizen.

## CHAPTER X.

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### BURR'S REAL INTENTIONS.

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The Navy Department's Order — The Expedition Arrested — Grand Jury Refuses an Indictment — The Reason Why — The Scheme to Liberate South America — Burr's Project — Letter to Smith — Jackson and Adair — Jefferson on Newspapers.

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Accompanying the proclamation of the 27th of November, the president sent out orders to all military and civil officers to arrest any and all persons engaged in the supposed illegal conspiracy against the peace of the country. But before the proclamation and the orders had reached the western country, Burr and his party had quietly passed down to the Mississippi. (He had ten boats loaded with implements of husbandry, and they were manned by sixty unarmed men.) They did not seem to be a dangerous party, and the peace of the country or the lives of the people did not seem to be seriously threatened. There was not a county bordering the river down which they floated that could not have furnished a militia company capable of arresting and holding as prisoners the entire party. But Jef-

person called upon all the governors and all the militia in all the states on or near the western waters, to arrest this phantom. Even the naval officers at the mouth of the Mississippi were cautioned to be on their guard and not permit it to take them by surprise.

The following is the order issued by the secretary of the navy:

NAVY DEPARTMENT, 20th December, 1806.

SIR:—A military expedition formed on the western waters, by Colonel Burr, will soon proceed down the Mississippi, and by the time you receive this letter will probably be near New Orleans. You will, by all the means in your power, aid the army and militia in suppressing this enterprise. You will with your boats take the best position to intercept and to take, and, if necessary, to destroy the boats descending under the command of Colonel Burr, or of any person holding an appointment under him. There is great reliance on your vigilance and exertions.

I have the honor to be, sir,

Your most obedient,

CAPT. JOHN SHAW.

RT. SMITH.

The administration of Mr. Jefferson was not in favor of maintaining a navy, but fortunately the men-of-war, then at the mouth of the Mississippi, were thought to be sufficient to successfully meet the expedition on its way down the river, even with-

out the assistance of Mr. Jefferson's gunboats. Still it was a hazardous work assigned to Captain Shaw, for had he really encountered Burr's fleet his warship might have been "rammed" to the bottom of the Mississippi by the "pushing poles" of Burr's crews.

In pursuance of these orders Burr and his party were stopped and arrested at Bayou Pierre, in the then Mississippi territory. Court was called, a grand jury empaneled, and an indictment demanded. But instead of an indictment the grand jury made return that no crime was shown to have been committed or contemplated by Burr.

The return of the grand jury was as follows: "The grand jury of the Mississippi Territory, on a due investigation of the evidence brought before them, are of opinion that Aaron Burr has not been guilty of any crime or misdemeanor against the laws of the United States, or of this territory; or given any just cause of alarm or inquietude to the good people of the same.

"The grand jurors ~~present, as a~~ grievance, the late military expedition, unnecessarily, as they conceive, fitted out against the person and property of the said Aaron Burr, when no resistance had been made to the civil authorities.

"The grand jurors ~~also present, as a~~ grievance, destructive of personal liberty, the late military arrests, made without warrant, and, as they conceive,

without lawful authority ; and they do sincerely regret that so much cause has been given to the enemies of our glorious constitution, to rejoice at such measures being adopted in a neighboring territory, as, if sanctioned by the executive of our country, must sap the vitals of our political existence, and crumble this glorious fabric in the dust."

The presentation of this grand jury was conclusive. The jury had all the facts before them to enable them to decide the character of Burr's expedition. [There were ten of the ordinary river boats used for light transportation; these were laden with provisions and the usual articles carried by an emigrating party, and there were no arms, ammunition or military stores of any kind on board, and the entire party consisted of sixty unarmed men. Could a grand jury or any body of sensible men have imagined that this was an expedition on its way to capture a city of nine thousand people, protected by a thousand regular United States soldiers? Not only to capture the city, but to despoil it of its wealth, and then march on to the conquest of Mexico. On such evidence could the grand jury have honestly given any other verdict than the one they gave? Nor is it strange they presented the action of the military authorities, who made the arrest, as "a grievance, destructive of personal liberty," and "without lawful authority."

But the military authorities were not acting upon

their own judgment; they knew as well as the grand jury did, and as well as the great body of the people of the community did, that there was no lawful reason for the arrest of Burr and his party. But they were acting under the command of a power they dare not disobey; the president had ordered the arrest of Burr and the confiscation of his property, and not to await the conviction of Burr, but to do the work at once. For this great wrong the president alone was guilty. The people of the country in which this outrage was perpetrated in every way possible resented it. They treated Burr's men, who had thus been robbed of all they possessed, with the greatest kindness, providing for their immediate wants and expressing much solicitude for their personal welfare.

Jefferson felt keenly the ridiculous position he occupied. He had denounced the government of Washington for making itself ridiculous, as he said, for calling out the army to put down the Whisky Insurrection of Western Pennsylvania, a large body of armed men; now he had made himself a hundred times more ridiculous in calling on not only the army and navy of the United States, but all the militia of all the western states and territories, to arrest a party of sixty unarmed emigrants, quietly on their way to settle upon lands purchased in a neighboring country. And when this party had been arrested and held as prisoners, by a single

company of untrained militia, in the Mississippi territory, hundreds of miles above New Orleans, and a grand jury had declared all of them innocent of any unlawful intention, the efforts the president had made to frighten the country were presented in so ridiculous a light he became almost frantic with passion.

He had gone too far to escape the ridicule he dreaded, unless at least one victim could be secured. If the expedition was a treasonable one, of course all engaged in it were traitors; but after confiscating and destroying all their personal property, Burr's men were all turned adrift and Burr alone held for trial. Afterwards, Blennerhassett, Tyler, and one or two others of the party, were indicted and arrested, but only for effect against Burr; they never were prosecuted. Jefferson's amazing credulity may have caused him to believe that he could convict Burr on the clamor and prejudice he had created, but no man of common understanding could for a moment believe that Burr was guilty of the crimes alleged against him, and for which he was now arrested and placed upon trial. His party of sixty men had been arrested, his boats with their lading had been destroyed, by an untrained militia company. This was the whole *force* of the expedition. Jefferson charged that with this force Burr was on his way to capture New Orleans, and then to proceed to invade Mexico. This is precisely what was charged in the indict-

ments against Burr, as explained at length by the district attorney at the trial. What then did Jefferson charge that Burr was about to do? With sixty unarmed men he was proceeding to capture by force of arms a city of nine thousand people, protected by one thousand trained United States soldiers, with fortifications, cannon and arms and ammunition in abundance. Did the president believe Burr was intending to do these things? If he did, has he a living friend to-day who does not blush at his credulity? If he were sincere, if he did really believe that Burr proposed the capture of New Orleans and the subjugation of Mexico, with the force under his command, without arms, without any of the usual means of warfare, it would be a mercy to believe him demented. But he was not sincere; he did not believe it. But what is more wonderful than all else connected with this wonderful story is that, while he did not believe these charges against Burr, he made a whole nation of people believe them, and cling to the belief for a hundred years.

It may be as well here as elsewhere to give a full statement of Burr's intentions first and last. In doing so, it will be necessary to recall some occurrences, which first suggested to his mind one of the schemes he afterward became deeply interested in and for years waited an opportunity to accomplish.

It will be remembered that during the closing years of the eighteenth century a project was pro-

posed to revolutionize the South American provinces of Spain. The scheme originated with Francisco de Miranda, a native South American, able, plausible and indefatigable in urging his plans for many years. He strove to interest both the governments of Great Britain and of the United States in his project, which he termed the "liberation of South America." He succeeded in securing promises of assistance from Great Britain, but he failed to receive favor from the government of the United States. He was more successful with some of the prominent men of this country. Alexander Hamilton espoused his cause with great ardor, and became his active partisan. Rufus King, General Knox, and other leaders of the Federal party, friends of Hamilton, were also active supporters of Miranda.

England had agreed to furnish a naval force sufficient for the purposes of the expedition, and a certain number of troops for inland operations. But the latter were not as many as Miranda required, and to secure more he came to the United States. In taking charge of the scheme in this country, Hamilton stipulated that Great Britain should provide only the naval forces, and he would furnish the whole of the land forces required. This change of plan Miranda was able to bring about without trouble. On the 19th of October, 1798, he writes to Hamilton from London, and says: "Your wishes are in some sort already accomplished, seeing it has been agreed

here on one side not to employ in the operations on land English troops; seeing that the auxiliary land forces are to be exclusively American, while the naval force shall be purely English. Everything is smooth, and we wait only for the fiat of your illustrious president to depart like lightning." With the view of securing the "fiat" of our president, Miranda addressed a dispatch to President Adams, by a messenger, who also carried a letter of introduction to Hamilton, in which he says: "This will be delivered to you, my dear and respectable friend, by my compatriot, Don —, charged with dispatches of the highest importance for the president of the United States; he will inform you confidentially what you desire to learn on this subject."

Mr. Adams was then at his home in Massachusetts; the dispatches were received by the secretary of state, and by him forwarded to the president. Mr. Adams was not in the confidence of Miranda or Hamilton; neither had before consulted him. He did not, therefore, know of the grand scheme of conquest and revolution they had planned. He wrote to the secretary of state, saying: "We are friends with Spain; if we were enemies would the project be useful to us? It will not be in character for me to answer the letter. Will any notice of it, in any manner, be proper?" The secretary made no response, and no further effort was made to secure the president's approval, and he heard no more from it.

Great Britain was then at war with France, and Spain was France's ally. This would justify the British government in the proposed attack upon the Spanish provinces; but the United States was at peace with both France and Spain, though threatened with an attack from France.

Hamilton had by a series of well executed intrigues succeeded in placing himself substantially at the head of the army, and was pressing for a large increase of the army, on the pretext that France was about to attack us. Then in the command of the army, he proposed to take a portion or all of it, under his personal command, to the conquest of the Spanish colonies in South America. In August, 1798, before the president had been approached upon this subject, or had heard of it, Hamilton's plans had been matured. At this date he had written to Rufus King, American minister to Great Britain, and said: "With regard to the enterprise in question, I wish it much to be undertaken, but I should be glad that the principal agency was in the United States, they to furnish the whole land force necessary. The command in this case would very naturally fall upon me; and I hope I should disappoint no favorable anticipations. The independency of the separated territory, under a moderate government, with the joint guarantee of the coöperating powers, stipulating equal privileges in commerce, would be the sum of the results to be accomplished."

At the same time that Hamilton writes thus to King, he writes to Miranda: "The plan, in my opinion, ought to be—a fleet of Great Britain, an army of the United States, a government for the liberated territory agreeable to both the coöperators, about which there will be no difficulty. To arrange a plan, a competent authority from Great Britain to some person here is the best expedient. Your presence here in this case will be extremely essential. We are raising an army of twelve thousand men. General Washington has resumed his station at the head of our army. I am appointed second in command." The whole correspondence is greatly extended. We cannot give more of it in this work, but it is all of the same character. [Hamilton wants all the land fighting to be done by American troops, under his personal command. It was so arranged. It will be noticed that Hamilton had engaged in this scheme without the knowledge of the president and without authority of the government of the United States. It was an individual adventure, in which he intended to use the army of the United States solely by virtue of being practically the commander-in-chief. And it was to be used in this unlawful manner against a nation between which and our own country peaceful relations were existing.]

That Hamilton had great expectations of glory and renown from the successful accomplishment of this enterprise, is told us by his son, in the history

of the Republic, which is the "Life of Alexander Hamilton," by John C. Hamilton. In Volume 7, page 217, in referring to this subject the son says: "It was an enterprise worthy the best aspirations of humanity. To release South America from a colonial sway, in principle and in practice the most oppressive on earth—to enable her numerous populations to form moderate governments suited to their condition—to open to the world a commerce of vast capacity, enslaved by a grasping monopoly, to remove the only serious external danger to which the American Union was exposed—the severance of the western territory—thus 'to cut,' as Hamilton expressed it, 'the Gordian knot' of its great destinies; to arrest the progress of the revolutionary doctrines France was then propagating in those regions, and to unite the American hemisphere in one great society of common interests and common principles against the corruptions, the vices, the new theories of Europe—these were objects worthy the energies of the highest genius. Hamilton felt all the importance of this great reformation. He believed in its easy accomplishment. Ten thousand men, stationed at rallying points for the oppressed natives, was all the force he would have required, if aided by an adequate marine. With such a force, he confidently hoped, his name would descend to a grateful posterity AS THE LIBERATOR OF SOUTH AMERICA."

How insignificant Burr's "visionary" schemes

seem beside these loftier aspirations of Hamilton. Nor did Burr ever picture to his mind a lovelier, a grander or a more magnificent country in which to erect his imperial throne than the land which Hamilton proposed to free from all oppression, all corruption, all vice and all unhappiness, and where his name should be revered through the coming ages by a grateful posterity. His son presents us the picture in words as warm and glowing as the land he describes. He says: "Hamilton had also been raised to a high military command. The enterprise which he had long beheld at a distance in its mighty bearing now assumed a new and direct importance. Regions the most beautiful on earth; half a continent, whose summits, in successive grandeur, touched the skies; whose feet bathed in two mighty oceans; over whose bosom unceasing summers shed their fragrant luxuriance, wafted to the ocean by rivers of unparalleled magnificence; while beneath unexhausted ores in massive piles, and fields of jeweled wealth—to be rescued from bondage and made the abode of the virtuous joys of regulated freedom."

It was a wonderful world of beauty and wealth that Hamilton wished to fight for, to conquer and enjoy; but Adams, to the disgust of his cabinet, and Hamilton their master, made peace with France. No war with France, no army could be raised, and therefore no conquest of South America.

We may here say, parenthetically, that this act

of John Adams, in making peace with France, contrary to the advice of his cabinet, was fraught with greater consequences and resulted in greater benefit to the country than any other executive act in the first half century of the government. In establishing peace with France at that time, he laid the foundations of a friendship with that country which secured for us, within four years, the magnificent domain of Louisiana. Had this not been done, and had Hamilton's effort to force a war with France been successful, it would have been impossible for us ever to have acquired that immense territory. Had we been at war with France, Napoleon would not have sold us Louisiana, and it would unquestionably have fallen into the hands of the British, from whom we could never have obtained it. In such event our western boundary would to-day be the Mississippi river. For making this peace John Adams was more severely censured than for any other act of his life, and yet it was the crowning glory of his administration. He made it possible for this country to expand until it has become the mightiest among the nations.

Burr's feelings were warmly enlisted in Hamilton's scheme, but of course he could not be received as a party to any enterprise of which Hamilton was a prominent leader. Besides, Burr, like Adams, was opposed to any movement of that kind against Spain, while friendly relations existed between that coun-

try and the United States. From that time Burr's thoughts were much occupied with a similar project, but confined to the Mexican provinces. At an early day he had frequent conversations with John Jay upon the subject, and that statesman had expressed the opinion that it was not impracticable.

In 1805, when Burr made his first visit to the western country, he met with General Wilkinson, the commander-in-chief of the army, by whom he was assured that a war with Spain was inevitable and imminent. Burr became deeply interested; here was, possibly, the long waited-for opportunity for engaging in his Mexican enterprise. He sounded Wilkinson, and found him already interested, with Clark and a few others, in a project of the kind. Burr did not desire too many "leaders" in the enterprise, and had little trouble to detach Wilkinson from Clark and the others, and confine the expedition to the management of themselves. Their agreement was, substantially, that Wilkinson was to give the earliest possible notice to Burr of his orders to move upon the Spanish army; that the instant war was thus inaugurated, Burr would issue his call for volunteers, which, under the war feeling that would be engendered by the actual presence of war, would receive prompt response. With these Burr would join Wilkinson's regulars, and together they would move to the conquest of Mexico, and when this was accomplished, Burr and Wilkinson, with all who chose to

join them, would remain and organize an independent government. This is the outline of the arrangement between Burr and Wilkinson.

Burr lived to see this work, which he had proposed for himself, accomplished by others. He lived to see Texas an independent state, and the American adventurers who won that independence lauded as heroes and patriots. He was old and ill, but he watched the struggle with intense interest. After Texan independence was accomplished, a friend calling upon him one morning found him all excitement. He had just learned the result. "There," he cried, pointing to his newspaper, "you see I was right! I was only thirty years too soon! What was treason in me, thirty years ago, is patriotism now." Burr was right; his proposed conquest of Mexico, an enterprise he had greatly at heart, was precisely in principle the same as Hamilton's proposed liberation of South America, and exactly what Houston did in winning the independence and organizing the state of Texas. Yet men guided by prejudice and regardless of reason condemn Burr, while they excuse Hamilton and extol Houston.

Burr's intention to raise an independent volunteer corps, without a commission from the government, was not unpatriotic or unlawful; it was exactly what Andrew Jackson did a few years later. Jackson had been a faithful friend of Burr, and approved his Mexican conquest project, if prosecuted,

as Burr proposed, during a war with Spain. He had been outspoken in Burr's defense during his trial at Richmond, and had thereby gained the lasting enmity of Jefferson and his secretary of state—Madison. When the war of 1812 began he was perhaps the best soldier and ablest commander in the western country. He offered his services to the government and was rejected. Madison had not forgotten he had been the friend of Burr, and Madison believed with Jefferson, that "all Burr's friends were his accomplices," and that all were traitors. Jackson could, therefore, get no commission, and that was all he asked. He offered to raise the command himself in thirty days. But Madison was obdurate; he would give no command to any one tainted with friendship for Burr. But Jackson determined to force himself into service; the war, as conducted, was meeting only with disaster, and he longed to retrieve it.

He determined to act upon his own responsibility; he issued a call for volunteers, and soon had a large force enlisted and organized. He tendered these to the government. Madison, frightened at the failure of the war thus far, dared not refuse them. Jackson's division was accepted and ordered to Natchez, hundreds of miles away, requiring a march through a dense wilderness, to be made in mid-winter. But the gallant volunteers, with Jackson at their head, were undaunted; they met with almost every diffi-

culty, but they surmounted all without murmur. To their mortification and that of their brave leader, when they reached Natchez, they found Madison had changed his mind, and Jackson met an order directing him to disband his troops and deliver all arms and military stores in his possession to a government agent appointed to receive them. It was a cruel and unexpected order, and Jackson determined to disobey it. He could not proceed, of course, but he would not disband his men a thousand miles from home, with no provision for their sustenance or means of transportation on their return. He obeyed the order only by turning and marching back in the manner in which he came. He disbanded his men at their homes where he enlisted them.

The wavering and uncertain disposition of Madison was never more distinctly exhibited than in this treatment of Jackson. But if the government would not give him opportunity to serve his country, his neighbors, who knew him well, were glad to do so. It was not long after his humiliating return from Natchez that the southern Indians, incited by the British and Spaniards in Florida, declared war, and announced it by the terrible massacre at Fort Mimms. All Tennessee was threatened and in danger. A meeting was called at Nashville and a force of twenty-five hundred volunteers enrolled, and Jackson given the command. He had no commission from the government, and he needed none; the confidence of

his neighbors was enough. Thus he entered upon a campaign long and terrible, taxing his energies and his resources to the utmost, but which resulted in the total defeat of the Indians. With this record of Jackson, made with only a commission from his state, it will not do to say Burr's proposal to raise volunteers and march upon Mexico in time of war, without a commission from the government, was in any way objectionable. Jackson's success brought him at length a commission of major general to succeed General Wm. H. Harrison.

A second project which Burr had in hand at the time he met Wilkinson in the summer of 1805, was a settlement on what was known as the Bastrop lands. Previous to the cession of Louisiana to the United States, Baron Bastrop had obtained a large grant of land from the Spanish government. A condition of this grant was, that within a specified time he was to settle two hundred families upon these lands. Bastrop conveyed a portion of this grant to Colonel Charles Lynch, and from Lynch Burr purchased 400,000 acres, subject to the original condition of settlement, and made the first payment of five thousand dollars. In this purchase other men of prominence and wealth were joined with Burr, but he was to have the active management of the matter. On the trial at Richmond this purchase was established, and the actual payment to Lynch of five thousand dollars was also proved.

No man held more entirely the confidence of Burr, in respect to his western enterprises, than did General Adair, of Kentucky. His testimony upon this point is highly important, and his character places his statement beyond impeachment. General Adair writes, in March, 1807: "So far as I know or believe of the intentions of Colonel Burr (and my enemies will agree I am not ignorant on this subject), they were to prepare and lead an expedition into Mexico, predicated on a war between the two governments; without a war he knew he could do nothing. On this war taking place he calculated with certainty, as well from the policy of the measure at this time as from the positive assurances of Wilkinson, who seemed to have the power to force it in his own hands. This continued to be the object of Colonel Burr until he heard of the venal and shameful bargain made by Wilkinson at the Sabine river; this information he received soon after the attempt to arrest him in Frankfort. He then turned his attention altogether towards strengthening himself on the Washita, and waiting a more favorable crisis. I thought the first of these objects honorable and worthy the attention of any man; but I was not engaged in it, my political as well as private pursuits forbidding me from taking a part until it was over; nor did I ever believe, notwithstanding Wilkinson's swaggering letters to me on that subject, which may be seen, that a war would take place."

Burr's own statement was that he gave up all hope of a conquest of Mexico early in October, when he learned that an active correspondence was then going on between Jefferson and Wilkinson. He knew that if that were true, Wilkinson was preparing to withdraw from his agreement. He had indeed abandoned all intention of attempting anything more than the settlement of his Washita lands, some weeks before his first arrest at Frankfort. This fact he announced to his confidential friend, Senator Smith, of Cincinnati, in a letter dated October 26, 1806, written to deny the rumors that his intention was to divide the Union. He writes as follows :

" If there exists any design to separate the western from the eastern states, I am totally ignorant of it; I never harbored or expressed any such intention to any one. nor did any one ever intimate such design to me. Indeed, I have no conception of any mode in which such a measure could be promoted, except by operating on the minds of the people, and demonstrating it to be to their interest. I have never written or published a line on this subject, nor ever expressed any other sentiments than those which you may have heard from me in public companies at Washington and elsewhere, and in which, I think, you concurred. It is a question on which I feel no interest, and certainly I never sought a conversation upon it with any one; but, even if I had written and

talked ever so much of the matter, it could not be deemed criminal.

“But the idea, I am told, which some malevolent persons circulate, is, that a separation is to be effected by force; this appears to me to be as absurd, and as unworthy of contradiction, as if I had been charged with a design to change the planetary system. All the armies of France could not effect such a purpose, because they could not get here; and if they could get here, they could not subsist, and if they could subsist, they would certainly be destroyed.

“I have no political views whatever; *those which I entertained some months ago, and which were communicated to you, have been abandoned.*

“Having bought of Colonel Lynch four hundred thousand acres of land on the Washita, I propose to send thither this fall a number of settlers, as many as will go and labor for a certain time, to be paid in land and found in provisions for the time they labor — perhaps one year. Mr. J. Breckenridge, Adair, and Fowler have separately told me that it was the strong desire of the administration that American settlers should go into that quarter, and that I could not do a thing more grateful to the government. I have some other views which are personal merely, and which I shall have no objection to state to you personally, but which I do not deem it necessary to publish; if these projects could affect the interests of the United States it would be beneficially, yet I

acknowledge no public considerations have led me to this speculation, but merely the interest and comfort of myself and friends."

About the same time General Jackson addressed a letter to Colonel Burr, in which he alluded to the rumor that Burr meditated treasonable designs against the United States, adding that, if this be true, he would hold no communication with him; but, if untrue, and his intentions were still to proceed to Mexico, he (Jackson) would "join and accompany him with his whole division." Jackson was in thorough sympathy with Burr's project of invading Mexico, in the event of a war with Spain. But neither of them ever entertained designs hostile to the United States. It was Jackson's perfect knowledge of all Burr's plans, and his approval of them, which made him so fearlessly defend Burr when arraigned on a charge of treason. When the passing of the war cloud made Burr's Mexican schemes impossible, and he turned his attention to the settlement of his lands on the Washita, Jackson, wishing him success, declined to join in the land adventure. But Jackson remained so faithful a friend of Burr, that long afterward, when he became president, he promptly and apparently with much pleasure, appointed several of Burr's friends to official position, solely on Burr's recommendation. And it is remembered that Burr was the first person in the

country to suggest Jackson for the presidency, which he did in the autumn of 1815.

The conquest of Mexico was the subject of daily discussion in all government circles during the summer of 1805, especially in the executive departments. The war with Spain — for war with that country was then deemed inevitable — was the almost universal theme of interest and conversation. It was in large measure a political question, and was approved by nearly all the leading friends of the administration. They were friends of Jefferson and had his sympathy and support. But the proposed conquest was contingent upon war being declared against Spain. The indignation expressed against that country was intensely bitter, and had culminated in the special "war message" sent to congress by the president on the 6th of December, 1805. Jefferson wanted war, the people wanted war, and everybody wanted conquest to accompany war. The president's war message, though sent confidentially to congress, by some means became known to the French minister to this country. Soon the minister, by the order of Napoleon, informed this government that if the United States attacked Spain, France would defend her. That ended all talk of war and conquest on the part of the administration and its friends.

Jefferson's submission to the dictation of France was the greatest blow his popularity with the people ever received. It was the beginning of his downfall

as a party leader. The insults received from Spain had aroused the indignation of the whole country, and the almost universal voice of the people demanded war. France sends insult and defiance, and the president tamely submits, humbly accepting insult upon insult, until the French minister at Washington tells his government, almost pityingly, that the American government "allowed itself to be outraged every day and accepted all the humiliation offered." Jefferson excused himself on the ground of economy, declaring, in substance, that the country cannot afford to go to war until its debts are paid, which may be done, he said, if we "keep at peace eight years longer." The spirit of the people was seldom more aroused than at this action of the president. Our government had been for years insulted by England, mistreated by Spain, and now domineered over by France, and our president meekly bowed his head, saying let us bear these wrongs until we get out of debt, and then we can talk of war.

The people were indignant; Jefferson's enemies assailed him bitterly; his friends began to waver, and it seemed that the popular idol of yesterday was the subject of complaint today. Jefferson felt keenly the situation, but, as it was asserted on every hand, he had not spirit enough left to defend the honor of the country, by avenging the insults heaped upon his administration. He finally lost heart and almost in despair withdrew from nearly all exercise of official

authority some months before the end of his term of office. His excuse for this shows how thoroughly his humiliation affected his whole being; he who had ever been so self-reliant, so ready to assume responsibility, humbly says: "I have thought it right to take no part in proposing measures, the execution of which will devolve upon my successor." "Our situation," he continues, "is truly difficult. We have been pressed by the belligerents to the very wall, and all further retreat is impracticable." It was almost with a wail of despair, at the humiliations he had brought upon the country, and the loss of respect from the people, that Jefferson retired from the presidency and from public life.

During the discussions of war and conquest by the president and his friends, in the summer of 1805, Burr was making his first visit to the west, and, imbued with the same spirit that stirred the administration circles at Washington, was discussing plans of conquest with Wilkinson, at Saint Louis. Wilkinson was not only personally acquainted with the Mexican officials, but also with many of the more prominent men of that country, and he detailed to Burr all the information he possessed in regard to Mexico. He pointed out the military routes to traverse and the friendly assistance that would undoubtedly be given an invading force from the United States. In short, he made it plain to Burr that with his small body of well-trained troops, and a supporting column of

volunteers, under Burr, there could be no danger of failure. But it was agreed by both that this could only be undertaken in case of war between the two countries. On this basis Burr and Wilkinson founded their agreement.

While Burr and Wilkinson were concerting their schemes Jefferson was also pondering his plans of conquest. He sent a trusty messenger to confer with the authorities of the Spanish colonies, including Florida, to secure their coöperation in case war was declared and he should desire to annex their territory. Judge Burnett, of Cincinnati, in his Notes on the northwest territory, makes the following statement :

“ John Smith, a member of the United States senate from Ohio, who was arrested as an accomplice of Burr, in a conversation with his friends, stated that, before the movements of Burr had attracted general notice, Mr. Jefferson requested a confidential interview with him (Smith), at which he inquired if he was not personally acquainted with the Spanish officers of Louisiana and Florida. On being answered in the affirmative, he went on to state that a war with Spain seemed to be inevitable; and that it was very desirable to know the feelings of those men toward the United States and whether reliance could be placed on their friendship if a war should take place between the two countries. At the same time, he requested him to visit the country,

with reference to that object. Mr. Smith stated that he did visit the country, as requested; and that, on his return, he reported to Mr. Jefferson that the governor, the inferior officers, and the inhabitants generally, were not only friendly but were desirous of attaching themselves to the United States. This was in the summer preceding the 'war message' against Spain, which was sent to the two houses of congress in December, 1805. Although the message was confidential, it soon became known to the diplomatic corps at Washington; and the French ambassador was ordered by his master (Napoleon) to inform the American government that France would take part with Spain in any contest she might have with the United States. It is a matter of history that, after that notice, the project against Spain, communicated in the confidential message and referred to in the conversation with Mr. Smith, was abandoned; and about the same time measures were taken to stop the movements of Burr."

This action on the part of France deterred the president and congress from declaring war on Spain, but it did not make it certain that war would not come through the act of Spain. The disputed boundary line between the two countries was still unsettled. The Spanish soldiers were still pressing upon our border, pushing their way further and further into territory claimed by the United States. That these encroachments would not be repelled by

force could not be imagined. Our people, especially in the west, were clamorous for war, that the invaders might be driven out. War seemed just as inevitable as it did before the president and congress succumbed to the threat of France. There was no reason then that any real intention of a conquest of Mexico, dependent upon war, should be suspended or any effort in preparing for it be relaxed. Burr was aware of this fact, and he was assured by Wilkinson that war could not be avoided. He, therefore, in conjunction with Wilkinson, continued his preparations for immediate action if war did come.

In his project for the conquest of Mexico, Burr remembered the plans of Miranda and Hamilton for the conquest of South America, and desired, in a smaller way, to adopt them. In the South American scheme Hamilton was to furnish the entire land forces for the expedition and Great Britain agreed to furnish the necessary naval force. Believing that Great Britain might be willing to join in the conquest of Mexico on terms similar to those made with Miranda and Hamilton, Burr had several conferences with Mr. Merry, the British minister at Washington, on the subject, and from the encouragement given by Merry, Burr, for a time, had much hope that an arrangement of the kind might be effected. Colonel Williamson, a Scotchman, of good family influence, was sent to London to present the matter to the British government. But Pitt, the premier

who had favored the South American project, was just dead, and the new minister would not consider it.

Burnett was mistaken in saying that Jefferson commenced his interference with Burr's movements because of his own abandonment of a declaration of war against Spain. Jefferson was possibly acquainted with Burr's movements from the beginning; he certainly knew of them for months before he interfered. Colonel Daviess, of Kentucky, began a correspondence with the president on the 10th of January, 1806, in which he detailed to him all that he knew or suspected of what Burr was doing. He wrote frequently and urgently to induce him to interfere.

But Jefferson ignored his communications, not even replying to them. He had no objections to what Burr was doing, and cared nothing. At that time he had no feeling against Burr. He had succeeded in driving him out of public life and from his own political pathway, and he was content now to let him go in peace. He might make a conquest of all Mexico if he wished and could. He would stretch out no restraining hand. But there came a time when his feelings changed, his anger against him was aroused, and his heart was filled with hatred and venom toward Burr. He then resolved to crush him to the death.

It was when he read Bayard's deposition, charging him with having purchased his election to the presidency in 1801, and stating the price he paid for

it. He thought General Samuel Smith, his personal and political friend, would deny it for him. But when on the next day he read Smith's deposition confirming Bayard's statement in every detail, he dare make no denial. And he never did publicly deny it. He believed, but mistakenly, that the exposure had been instigated by Burr. He grew desperate, and determined to resort to any and every means to disgrace and ruin him. It was then he resolved to watch Burr's movements for an opportunity to injure him. It was revenge, not justice, he was seeking when he began to raise a clamor and create an excitement against Burr. With all the power and patronage of the government at his command, he did create a prejudice against Burr, which ruined his reputation, but he failed utterly to convict him of any crime. No witnesses testified against him charging him with crime, except the perjured Wilkinson and the purchased Eaton; and these were fully discredited at the trial in Richmond. Wilkinson openly acknowledged his perjury, and Eaton testified to the price paid for his. They both on oath admitted their infamy.

It was not the witnesses but the newspapers that caused Burr's disgrace. Nothing was proved against him, but everything was published and believed against him. The newspaper reports were marvels of falsehood and wickedness. Statements were printed which every person in attendance at the trial

knew to be without a shadow of foundation. But they circulated everywhere and were believed by the people. A singular rebuke was given to the press at this time by the man to whom it had prostituted itself. While Burr's trial was in progress, and while the Virginia papers were overflowing with calumnies of Burr, Jefferson wrote the following denouncement of newspapers:

"Nothing can now be believed which is seen in a newspaper. Truth itself becomes suspicious by being put into that polluted vehicle. The real extent of this state of misinformation is known only to those who are in a situation to confront facts within their knowledge with the lies of the day. I really look with commiseration over the great body of my fellow-citizens, who, reading newspapers, live and die in the belief that they have known something of what has been passing in the world in their time; whereas, the accounts they read in newspapers are just as true a history of any other period of the world as of the present, except that the real names of the day are affixed to their fables. \* \*

\* I will add that the man who never looks into a newspaper is better informed than he who reads them; inasmuch as he who knows nothing is nearer to truth than he whose mind is filled with falsehood and errors. He who reads nothing will still know the great facts and the details are all false."

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## CHAPTER XI.

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### THE INDICTMENT.

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The Examination — Committed for Trial — Bail Required and Given — Burr's Speech — Case Called for Trial — The Counsel Engaged — The Indictment — Burr's Danger — Charged with Treason — Condemned by Clamor — Court Takes Recess — Burr in Penitentiary — Great Numbers Visit Him — Washington Irving — His Letters.

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Burr was delivered by his captors to the civil authorities at Richmond, Virginia, on the 26th of March, 1807. The long journey through the wilderness from Mississippi to Virginia, occupying twenty-one days, was borne by Burr without murmur or complaint. A few days after being brought to Richmond he was taken before Chief Justice Marshall for examination. This was for the purpose of determining whether there was sufficient cause for commitment for trial. Burr had engaged counsel and made vigorous efforts to avoid being held for trial upon any charge. The brief speech made by Burr on this occasion presents his defense strongly. We give an abstract of it. Colonel Burr denied that there was the smallest ground for even an accusation against him. The country, he said, had been cause-

lessly alarmed by Wilkinson and the president. He appealed to facts known to all; to the history of his arraignments in the west; to the promptness with which he had met every charge; and to the unanimity with which juries had acquitted him. If there had been any cause of alarm, it must have been known to the people in that part of the country where his offense was said to have been committed. The manner of his descent of the river was proof enough that his object was purely peaceable and agricultural. He declared that all his designs were honorable, and calculated to be beneficial to the United States. His flight, as it was termed, had been mentioned as a proof of guilt; but it was only from the resistless arm of military despotism that he had fled. Was it his duty to remain surrounded by armed men assembled for his unlawful capture? He thought not. He took the advice of his best friends, pursued the dictates of his own judgment, and abandoned a country where the laws had ceased to be the sovereign power. The charge stated in a handbill, that he had forfeited his recognizance, was false. He had forfeited no recognizance. If he had forfeited any recognizance, why had no proceedings taken place for the breach of it? If he was to be prosecuted for such breach, he wished to know why he was brought to this place? Why not carry him to the place where the breach happened? More than three months had elapsed since the order of govern-

ment had been issued to seize and bring him to that place; yet it was pretended that sufficient time had not been allowed to adduce testimony in support of the prosecution. He asked why the guard, who conducted him to that place, avoided every magistrate on the way, unless from a conviction that they were acting without lawful authority? Why had he been debarred the use of pen and ink and paper, and not even permitted to write to his daughter? In the state of South Carolina, where he happened to see three men together, he demanded the interposition of the civil authority; it was from military despotism, from the tyranny of a military escort, that he wished to be delivered, not from an investigation into his conduct, or from the operation of the laws of his country.

The examination before the chief justice lasted for three days, when he decided to hold Burr on the charge of misdemeanor. Bail was fixed in the sum of ten thousand dollars, which was promptly given by five gentlemen of Richmond, conditioned that Burr would appear at the next circuit court of the United States, to be held in that city, on the 22d of May following. Burr was then discharged from custody.

Burr now could plainly see that it would not be for any infraction of the law he would be compelled to defend in his coming trial. He was conscious he had been guilty of no crime whatever, and yet he

was in imminent danger of being convicted of a most heinous crime. The purchased and perjured affidavit of Eaton, and the cipher letter, furnished by Wilkinson, tainted with both forgery and perjury, which Jefferson had published widespread over the land, had created such general prejudice against Burr, especially in Virginia, that it seemed impossible he could receive a fair trial in that state. But even this was not his greatest danger; Jefferson had so thoroughly committed himself in denouncing Burr's guilt that he dare not permit his acquittal. After the assurance the president had given to congress and to the country that there was no doubt of Burr's guilt, after all the excitement and clamor stirred up by his agents and emissaries. Burr's acquittal would cover him with shame and confusion, and he would be a subject of ridicule to all the people. Burr must, therefore, be convicted at all hazards and at any expense. If not by evidence, then by prejudice. This was Burr's supreme danger: he must meet single-handed the whole power of the administration. Jefferson's well known and extraordinary credulity led many people to believe that he was sincere in declaring his belief in Burr's guilt. About the time he received the report of General Jackson's investigation of Burr's proceedings, and knew that the whole expedition consisted of but sixty unarmed men, he wrote to a friend: "Burr's enterprise is the most extraordinary since the days

of Don Quixote. It is so extravagant that those who know his understanding would not believe it if the proofs admitted of doubt. He has meant to place himself on the throne of Montezuma, and extend his empire to the Allegheny, seizing on New Orleans as the instrument of compulsion for our western states."

That men could believe such nonsense, because it was uttered by Thomas Jefferson, is one of the wonders of modern history. Parton, a great friend and eulogist of Jefferson, and who screens him from censure whenever possible, speaking of this extravagant opinion, says: "What impossibilities does this closet-wise man attribute to his late companion and rival. By what means imaginable could the western states be *compelled* to yield submission to a usurper at New Orleans? The states of this Union are so constituted and circumstanced that treason of the kind attributed to Aaron Burr is a simple and manifest impossibility. There is no part of Jefferson's long career in which he appears to so little advantage as during the period we are now considering. His mind was absurdly excited. One of his letters to Senator Giles, written a few days after Burr's first examination at Richmond, speaks of the *tricks* of the judges in hastening the trial so as to clear Burr; rails at the Federalists, saying that they were disappointed at Burr's failure to rend the Union. 'If,' said he, 'Burr had succeeded ever so partially, the Federalists were ready to join him in the attempt to

overthrow this hated republic,' and introduce their favorite monarchy! 'At first,' he adds, 'the Federalists accused the president of permitting treason to stalk through the land in open day'; but *now* they complained because he crushed it before it had ripened to an overt act. He proceeds to denounce the Federal judges, of whom John Marshall was the chief, in a manner which shows that philosophers are sometimes angry and that sages are not always wise. He wrote also to Governor Pinckney, of South Carolina, telling him that Alston was implicated with Burr; had traveled, solicited, indorsed for Burr; and inquiring whether it would be advisable to take any measure against him. In one word, the real prosecutor of Aaron Burr, throughout this business, was Thomas Jefferson, president of the United States, who was made president of the United States by Aaron Burr's tact and vigilance, and who was able therefore to wield against Aaron Burr the power and resources of the United States."

The case was called for trial on Friday, the 22d day of May, 1807, in the court of the United States for the fifth circuit and district of Virginia, in session at Richmond. The court consisted of John Marshall, chief justice of the United States; and Cyrus Griffin, judge of the district of Virginia.

The trial of Burr was one of the most memorable in the annals of this country. The report in full filled two thick octavo volumes. John Marshall,

chief justice of the United States, presided, and the array of counsel was the most brilliant ever gathered on a similar occasion. The district attorney, a son-in-law of James Monroe, and a devoted friend of the administration, officially conducted the prosecution. He was assisted by William Wirt, then in the full prime of early and vigorous manhood, and by Alexander Mac Rae, the lieutenant-governor of the state. On the side of the defense, of course, Burr himself stood at the head, though he watched rather than led the proceedings. Next came Luther Martin, in most respects the ablest lawyer of his day, who had gained national reputation in the impeachment trial of Judge Chace before the United States senate, at which Burr had presided with great dignity and ability. John Wickham, the leader of the Richmond bar; Edmund Randolph, Washington's attorney-general, and Benjamin Botts completed the list.

"Among these stood Aaron Burr," says Mr. Robertson, the reporter of the trial, "proudly pre-eminent in point of intelligence to his brethren of the bar, who had been vice-president of the United States, and now accused of the highest and darkest crime in the criminal code. Standing before the supreme tribunal of his country, and with the eyes of the nation upon him, he was, in the opinion of many, already condemned. He had the talent and tact, and the resources of the government to contend against, and every faculty of his mind was exerted

in his own defense. The magnitude of the charge, the number of persons involved, the former high standing and extraordinary fortunes of the accused, had excited an interest in the community such as never before had been known. The witnesses against him were mostly government officers, with whom, at one time or another, he had been in some way connected."

It was indeed a sad and perilous position in which Burr was placed; he was compelled to contend for his life against the resources and power of a government which had just reduced him to absolute poverty by the wanton and unlawful destruction of his property, and ruined his reputation and deprived him of friends by the most unjust and malicious clamor ever raised against a single man. Persecuted by the president, and surrounded by his placemen, sent to swear away his life, Aaron Burr, despising the danger as he despised his traducers, calm and undaunted, denied their charges and bade them defiance. But it was a most unequal fight; no precaution had been omitted to make certain the conviction of Burr. Twice grand juries had failed to indict him, but this time the officials determined there should be no failure. The men summoned for grand jurors were office holders or leading political supporters of the administration and enemies of Burr.

They were also from a class of men not usually called to serve on juries. Among them was Sena-

tor Giles, who had recently been so active in hurrying through the senate the bill suspending the writ of *habeas corpus*; John Taylor, of Caroline, and Wilson C. Nicholas, leading politicians. These men were rejected, and did not serve; but they represent the class of men summoned, and it was of such men, with John Randolph, of Roanoke, as foreman, that the grand jury was formed. But the grand jury when sworn were unable to begin investigation; the prosecution admitted that nothing could be done until General Wilkinson arrived; everything depended upon this witness. Mr. Wirt said his testimony "is the keystone which binds the great arch of evidence now in our possession." Nothing could therefore be done until Wilkinson came; indeed, it was well understood that the prosecution depended on his testimony almost solely to convict Burr.

On the retirement of the grand jury, Burr addressed the court upon the manner in which he wished the defense to be conducted. He also asked the court to instruct the grand jury upon the admissibility of certain evidence he supposed would be presented to them. Mr. Hay objected and insisted that no favor be shown the prisoner, who stood upon the same footing with every other man who had committed a crime. "Would to God," exclaimed Burr, "that I did stand on the same footing of every other man. This is the first time that I have been

permitted to enjoy the rights of a citizen. How have I been brought hither?" On the next day the district attorney moved that Burr be committed for high treason. He had on his first examination been committed for misdemeanor. This motion was debated by the counsel on both sides, the discussion being closed with a ten minutes' speech by Burr.

He declared himself not only willing but anxious to proceed — but not to proceed in the way proposed. On a motion for commitment, *ex parte* evidence alone would be introduced, and he would not submit to go on at such disadvantage when the result involved such consequences to himself. "My counsel," said he, "have been charged with declamation against the government of the United States. [I certainly, sir, shall not be charged with declamation; but surely it is an established principle that no government is so high as to be beyond the reach of criticism; and it is particularly laid down that this vigilance is more peculiarly necessary when any government institutes a prosecution; and one reason is, on account of the vast disproportion of means which exists between it and the accused. But if there ever was a case which justified this vigilance, it is certainly the present one, when the government has displayed such uncommon activity. If, then, this government has been so peculiarly active against me, it is not improper to make the assertion here, for the purpose of increasing the circumspection of the court."

He observed, that he meant by persecution, the harassing of any individual, contrary to the forms of law; and that his case, unfortunately, shows too many instances of this description. His friends had everywhere been seized by the military authority; a practice truly consonant with European despotism. Persons had been dragged by compulsory process before particular tribunals and compelled to give testimony against him. His papers, too, had been seized. And yet, in England, where we say they know nothing of liberty, a gentleman who had been arrested and detained two hours in a back parlor, had obtained damages to the amount of one thousand guineas. He said that an order had been issued to kill him, as he was descending the Mississippi, and seize his property. And yet they could only have killed his person if he had been formally condemned for treason. Even postoffices have been broken open and robbed of his papers, in the Mississippi territory; even an indictment was about to be laid against the postmaster. He had always taken this for a felony; but nothing seemed too extravagant to be forgiven, by the amiable morality of this government. "All this," said Burr, "may only prove that my case is a solitary exception from the general rule; that government may be tender, mild and humane to every one but me. If so, to be sure it is of little consequence to anybody but myself. But surely I may be excused if I complain a little of such proceedings."

“Our president is a lawyer, and a great one too. He certainly ought to know what it is that constitutes a war. Six months ago he proclaimed that there was a civil war. And yet for six months have they been hunting for it, and still cannot find one spot where it existed. There was, to be sure, a most terrible war in the newspapers, but no where else. When I appeared before the grand jury in Kentucky they had no charge to bring against me, and I was consequently dismissed. When I appeared for a second time, before a grand jury in Mississippi territory, there was no one to appear against me; and the judge even told the United States attorney that if he did not send up his bill before the grand jury he himself would proceed to name as many of the witnesses as he could and bring it before the court. Still there was no proof of war. At length, however, the Spaniards invaded our territory, and yet there was no war. But, sir, if there was a war, certainly no man can pretend to say that the government is able to find it out. The scene to which they have now hunted it is only three hundred miles distant, and still there is no evidence to prove this war.”

On a motion to commit Colonel Burr on the charge of high treason, the course intended to be pursued by the prosecution in the introduction of evidence, was disclosed, and led to an animated discussion. The issues to be tried were so distinctly stated in this debate that we will give some portions

of it, that these points may be clearly understood. There was objection made to the motion because the evidence presented would necessarily be *ex parte*, and would be immediately reproduced by the newspapers with all manner of exaggeration, which would add to the already intense excitement to the prejudice of the defense. The court had called attention to this fact as an objection to a motion, while it reluctantly granted it. It would seem that as the grand jury was in session, waiting to hear the testimony and present their indictment, the prosecution might have omitted the investigation proposed before the open court. But there was scant courtesy shown the defense throughout the trial.

Mr. Hay, the district attorney, said: "He felt the full force of the objections to a disclosure of the evidence and to the necessity of the court's declaring its opinion before the case was laid before a jury; but those considerations must yield to a sense of what his engagements to the United States imperiously demanded of him; that in adducing the evidence he should observe something like chronological order. He should first read the depositions of the witnesses who were absent, and afterward bring forward those who were present, so as to disclose all the events as they successively happened."

Mr. Wickham, for the defense, stated that there were two distinct charges against Mr. Burr. "The first was for a misdemeanor, for which he had already

entered into recognizance; the second was a charge of high treason against the United States, which was once proposed without success, and is now again repeated. On this charge the United States must substantiate two essential points: First, That there was an overt act committed; and, 2d, That Colonel Burr was concerned in it. Everything that does not bear upon these points is of course inadmissible; the course therefore laid down by the attorney for the United States is obviously improper. He proposes to examine his witnesses in a kind of chronological order.

“Mr. Burr requires that the evidence should be taken in strict legal order. The court and even the opposite counsel will see the propriety of observing this order. If the attorney for the United States has affidavits to produce, let him demonstrate that they have a right to produce them. We first call upon him to prove, by strict legal evidence, that an overt act of treason has been committed. If he cannot establish that one point, all the evidence which he can produce is nugatory and unavailing.”

Mr. Hay in reply said: “The two charges which are brought against Aaron Burr are naturally and intimately blended. They form distinct parts of one great design. What that great design was in all its bearings and ramifications, I am not absolutely certain; but I have conceived that before Mexico was invaded, New Orleans was to be taken. How, then,

is it possible to separate these two great allegations? This monstrous design consists of two great plots, both going on together, and both so strongly connected that accomplishing the one is preparatory to accomplishing the other. If Aaron Burr's object was to plant his standard in Mexico, he was first to have seized the shipping and banks of New Orleans. We ask, then, how can we separate, line by line and word by word, the evidence produced to prove these two distinct allegations?"

This statement of the district attorney is the official announcement of the crimes for which Aaron Burr was arraigned. His intended capture of New Orleans, a city of the United States, was the treason alleged, and his intended invasion of Mexico, a province of a friendly nation, was the misdemeanor. It will be noticed he is not charged with any intention of dividing the Union of the states in any way, and never was so charged, officially, by the government. What Burr had to meet at his trial were the charges so clearly stated by the district attorney. It is not necessary at this day, in considering Burr's guilt or innocence, to follow the attorneys in their discussion of the legal mode of presenting the evidence, but rather to examine the facts as they existed. A man's intentions, when not declared, must be gathered from his acts.

Burr never declared such intention; then what did he do to justify a belief that he entertained such

intention? At the time he was arrested he was descending the Mississippi river with ten light-draught river boats, with six men upon each boat, sixty men in all. Captain Bissell, commandant at Fort Massac, certifies that there were no arms, ammunition, or military stores of any kind, upon the boats, but only the appearance of a party going to market was presented. The president reports to congress that Burr had "about ten boats, with about six men each, and *without any military appearance.*" This is the only official evidence ever presented as to the number of men in Burr's party, and is indorsed by Mr. Jefferson, in his report to congress. When Burr's party was arrested, by Jefferson's order, at Bayou Pierre, in Mississippi, the expedition was found to consist of ten boats and sixty unarmed men, confirming Captain Bissell's official report.

Whatever men may have been led to believe by the clamor and excitement existing, and the wild and wicked rumors put in circulation at the time, will any man of common understanding and fair judgment at the present day believe that Burr had planned and was on his way to capture New Orleans, seize the shipping and plunder the banks, as a preliminary to an invasion of Mexico? And that is precisely what the district attorney said Burr was arraigned and to be tried for at Richmond. It is strange that a whole people could be so deluded as to be made to believe so ridiculous a proposition, but stranger still that

grave and able lawyers, knowing all the facts fully, should seriously attempt to convict Burr of the crimes charged, with only such evidence as they possessed.

We are referring now to the charges upon which Burr was brought to trial. There were hundreds of other charges and rumors and surmises floating through the land and influencing men's judgments, too unsubstantial to bear legal scrutiny, and that vanished like the mist before the morning sun when investigated. And yet it was upon these wild and reckless rumors that Burr was condemned by the public voice of that day, and a prejudice created which still continues. But in spite of all this prejudice, when the government came to prosecute Burr, the only charge they then were able to make was the ridiculous one that he with sixty unarmed followers was about to capture a city of nine thousand people, protected by an armed fleet of vessels and one thousand trained soldiers. And this absurdity has been believed for nearly a hundred years and may still be cherished a hundred years hence.

John Randolph, of Roanoke, the foreman of the grand jury, on the 24th of June returned two indictments against Burr, one for treason, the other for misdemeanor. Indictments for treason were also returned against United States Senator Dayton, of New Jersey; United States Senator John Smith, of Ohio; Harman Blennerhassett and Comfort Tyler, of Virginia; Israel Smith, of New York, and Davis

Floyd, of Indiana, for no other reason as it seemed than that they were friends of Aaron Burr.

On the 30th of June the court took a recess to the 3rd day of August, and because of the miserable condition of the county jail, and upon the tender by the governor and state council, of the third story of the "penitentiary house" for the use of Colonel Burr during the recess of the court, the chief justice made an order that the offer be accepted. Consequently Burr was in due time removed to the third story of the penitentiary, where large and commodious rooms had been prepared for his reception, and where he remained until the court resumed its sessions. This proceeding filled the president with great disgust. He wrote to the district attorney ascribing it to party feeling on the part of Judge Marshall, and said: "But to what a state will our law be reduced by party feeling in those who administer it? Why do not Blennerhassett, Dayton, and the rest demand private and comfortable lodgings? In a country where an equal application of the law to every condition of man is fundamental, how could it be denied to them? How can it even be denied to the most degraded malefactor?"

But Jefferson had other sources of annoyance growing out of Burr's treatment at Richmend. The fact that he had been growing in favor with the people of that city ever since his arrival among them was bitterly resented by the president. And these

friends visited him in his pleasant apartments in the penitentiary, in increasing numbers, on some days presenting the appearance of a levee. He was in constant receipt of presents, of fruits and delicacies of every variety and from the best families of the city. Toward the end of this "confinement," he received a letter from his daughter, saying she was coming to visit him. He wrote her in reply, "I want an independent and discerning witness to my conduct and to that of the government. The scenes which have passed and those about to be transacted will exceed all reasonable credibility, and will hereafter be deemed fables, unless attested by very high authority. I repeat what has heretofore been written, that I should never invite any one, much less those dear to me, to witness my disgrace. I may be immured, chained, murdered in legal form, but I cannot be humiliated or disgraced. If absent, you will suffer great solicitude. In my presence you will feel none, whatever may be the malice or the power of my enemies, and in both they abound." He adds: "I am informed that some good-natured people here have provided you a house, and furnished it, a few steps from my *town house*. I had also made a temporary provision for you in my town house (city jail), whither I shall remove on Sunday; but I will not, if I can possibly avoid it, move before your arrival, having a great desire to receive you in this mansion (the penitentiary). Pray, therefore,

drive directly out here. You may get admission at any time from four in the morning till ten at night."

Burr's feeling respecting the proceedings at his trial can best be learned from his correspondence with his daughter, to whom ~~he wrote regularly until her arrival in Richmond~~. On the 15th of May he tells her: "Respecting the approaching investigation I can communicate nothing new. The grand jury is composed of twenty democrats and four federalists. Among the former is W. C. Nicholas, my vindictive and avowed personal enemy—the most so that could be found in this state (Virginia). The most indefatigable industry is used by the agents of government, and they have money at command without stint. If I were possessed of the same means, I could not only foil the prosecutors, but render them ridiculous and infamous. The democratic papers teem with abuse against me and my counsel, and even against the chief justice. Nothing is left undone or unsaid which can tend to prejudice the public mind, and produce a conviction without evidence. The machinations of this description which were used against Moreau in France were treated in this country with indignation. They practice against me in a still more impudent degree, not only with impunity but with applause; and the authors and abettors suppose, with reason, that they are acquiring favor with the administration." On June 2d he says: "Still waiting for Wilkinson, and no certain

accounts of his approach. The grand jury, the witnesses, and the country grow impatient. It is an ungracious thing, and so deemed, after having been for six months held as a traitor; after directing that Burr and his followers should be attacked, put to death, and their property seized; after all the violations of law and constitution which have been practiced, that government should now say it has no proof. On Saturday morning, the 18th, General Wilkinson, with ten or eleven witnesses from New Orleans, arrived in Richmond. Four bills were immediately delivered to the grand jury against Blennerhassett and Burr, one for treason and one for misdemeanor against each. The examination of the witnesses was immediately commenced. They had gone through thirty-two last evening. There are about forty-six. General Eaton has been already examined. He came out of the jury room in such rage and agitation that he shed tears, and complained bitterly that he had been questioned as if he were a villain.

“Poor Bollman is placed in a most awkward predicament. Some days ago Mr. Hay, the district attorney, in open court tendered him a pardon under the great seal and with the sign manual of *Thomas Jefferson*. Bollman refused to receive it. Hay urged it upon him. Bollman said no man could force on him such a badge of infamy. Hay insisted that he was a pardoned man, whether he would or not.”

Under date of June the 24th, he says: “While

we were engaged to-day in the argument of the question for an attachment against Wilkinson, the grand jury came into court with bills against Blennerhassett and myself for treason and misdemeanor. Two bills against each of us. These indictments for treason are founded on the following allegations: that Colonel Tyler, with twenty or thirty men, stopped at Blennerhassett Island on their way down the Ohio; that though these men were not armed, and had no military array or organization, and though they did neither use force nor threaten it, yet having set out with a view of taking temporary possession of New Orleans on their way to Mexico, that such intent was treasonable, and therefore a war was levied on Blennerhassett's Island by *construction*; and that though Colonel Burr was then at Frankfort on his way to Tennessee, yet, having advised the measure, he was, *by construction of law*, present on the island and levied war there. In fact, the indictment charges that Aaron Burr was on that day present at the island, though not a man of the jury supposed this to be true.

“This idea of *constructive war* is, by this jury, carried far beyond the dictum advanced by Judge Chace in the case of Fries; for Chace laid down that the actual exertion of ‘force, in a hostile or traitorous manner, was indispensable to establish treason.’ Yet the opinions of Chace in this case were complained of by the whole Republican party, and con-

demned by all the lawyers of all parties in Philadelphia as tending to introduce the odious and unconstitutional doctrine of *constructive treason*."

For a time during Burr's trial at Richmond Mr. John Barney was employed by Burr as his amanuensis. Mr. Barney was a gentleman of respectability; had been a member of congress from Maryland, and lived on terms of close intimacy with Burr for the time he was employed by him. From Mr. Barney's narrative of Burr's prison life at Richmond we give this extract :

"The grand jury finding a true bill, he was forthwith removed to the state prison. There we followed him; he received us in his usual bland, courteous manner; apologized for our being introduced into his bed chamber—his drawing-room being then deranged by the fitting up of his ice-house, which was in fact in his chimney corner. Iron gratings prevented his egress, admitting free circulation of light and air. I felt pride and took pleasure in being permitted to become his amanuensis. Each day as I rode along the streets my curriele was freighted with cake, confectionery, flowers, redolent with perfume, wreathed into fancy bouquets of endless variety." All to be delivered to Burr from admiring friends of the city of Richmond. Burr's enemies were confined almost altogether to the government officials or politicians supporting and seeking favor from the president, and the great thoughtless mass

of the people, who in those days received all their ideas from the newspapers.

Among the staunch friends of Burr, in New York city, was the Irving family. Dr. Peter Irving was the editor of the *Morning Chronicle*, which sustained and defended Burr at all times; a younger brother—Washington Irving, afterwards the distinguished author—wrote frequently for the columns of the *Chronicle* in support of Burr. Among Burr's New York friends who attended his trial at Richmond was Washington Irving, a deeply interested witness of the proceedings. In his correspondence with friends at home and elsewhere he gave vivid descriptions of scenes at the trial. Some of these letters are preserved in the "Life and Letters of Washington Irving," and will be found in the first volume of that work. We give the following:

TO JAMES K. PAULDING.—*Richmond*, June 22, 1807. "I can appoint no certain time for my return, as it depends entirely upon the trial. Wilkinson, you will observe, has arrived; the bets were against Burr that he would abscond, should W. come to Richmond; but he still maintains his ground, and still enters the court every morning with the same serene and placid air that he would show were he brought there to plead another man's cause, and not his own.

"The lawyers are continually entangling each other in law points, motions and authentics, and

have been so crusty to each other that there is a constant sparring going on. Wilkinson is now before the grand jury, and has such a mighty mass of words to deliver himself of, that he claims at least two days more to discharge the wondrous cargo. The jury are tired enough of his verbosity. The first interview between him and Burr was highly interesting, and I secured a good place to witness it. Burr was seated with his back to the entrance, facing the judge, and conversing with one of his counsel. Wilkinson strutted into court and took his stand in a parallel line with Burr on his right hand. Here he stood for a moment, swelling like a turkey-cock and bracing himself up for the encounter of Burr's eye. The latter did not take any notice of him until the judge directed the clerk to swear General Wilkinson; at the mention of the name Burr turned his head, looked him full in the face, with one of his piercing regards, swept his eyes over his whole person from head to foot, as if to scan his dimensions, and then coolly resumed his former position and went on conversing with his counsel as tranquilly as ever. The whole look was over in an instant; it was an admirable one. There was no appearance of study or constraint in it; no affectation of disdain or defiance; a slight expression of contempt played over his countenance, such as you would show on regarding any person to whom you were indifferent, but whom you considered mean and

contemptible. Wilkinson did not remain in court many minutes."

We subjoin a letter written by Washington Irving to Miss Mary Fairlie, from Washington, D. C., under date of July 7, 1807:

"I have seen traits of female goodness while at Richmond that have sunk deeply in my heart—not displayed in one or two individual instances, but frequently and generally manifested; I allude to the case of Colonel Burr. Whatever may be his innocence or guilt, in respect to the charges alleged against him (and God knows I do not pretend to decide thereon), his situation is such as should appeal eloquently to the feelings of every generous bosom. Sorry am I to say, the reverse has been the fact—fallen, proscribed, prejudged, the cup of bitterness has been administered to him with an unsparing hand. It has almost been considered as culpable to evince towards him the least sympathy or support; and many a hollow-hearted caitiff have I seen, who basked in the sunshine of his bounty when in power, who now skulked from his side, and even mingled among the most clamorous of his enemies. The ladies alone have felt, or at least had candor and independence sufficient to express those feelings which do honor to humanity. They have been uniform in their expressions of compassion for his misfortunes, and a hope for his acquittal; not a lady, I believe, in Richmond, whatever may be her husband's senti-

ments on the subject, who would not rejoice at seeing Colonel Burr at liberty. It may be said that Colonel Burr has ever been a favorite with the sex; but I am not inclined to account for it in so illiberal a manner; it results from that merciful and heavenly disposition implanted in the female bosom, which ever inclines in favor of the accused and the unfortunate. You will smile at the high strain in which I have indulged; believe me, it is because I feel it; and I love your sex ten times better than ever. The last time I saw Burr was the day before I left Richmond. He was then in the penitentiary, a kind of state prison. The only reason given for immuring him in this abode of thieves, cut-throats, and incendiaries, was that it would save the United States a couple of hundred dollars (the charge of guarding him at his lodgings), and it would insure the security of his person. This building stands about a mile and a half from town, situated in a solitary place among the hills. It will prevent his counsel from being as much with him as they deemed necessary. I found great difficulty in gaining admission to him for a few moments. The keeper had orders to admit none but his counsel and his witnesses—strange measures these! That it is not sufficient that a man against whom no certainty of crime is proved, should be confined by bolts and bars, and many walls, in a criminal prison; but he is likewise to be cut off from all intercourse with society, deprived of all the kind

offices of friendship, and made to suffer all the penalties and deprivations of a condemned criminal. I was permitted to enter for a few moments as a special favor, contrary to orders. Burr seemed in lower spirits than formerly; he was composed and collected as usual; but there was not the same cheerfulness that I have hitherto remarked. He said it was with difficulty his very servant was allowed occasionally to see him; he had a bad cold, which I suppose was occasioned by the dampness of his chamber, which had lately been whitewashed. I bid him farewell with a heavy heart, and he expressed with peculiar warmth and feeling his sense of the interest I had taken in his fate. I never felt in a more melancholy mood than when I rode from his solitary prison. Such is the last interview I had with poor Burr, and I shall never forget it. I have written myself into a sorrowful kind of a mood, so I will at once desist, begging you to receive this letter with indulgence, and regard with an eye of Christian charity its many imperfections."

## CHAPTER XII.

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### THE TRIAL AND VERDICT.

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A Jury of Enemies — Subpœna for Jefferson — The President Interferes — Public Money Used — The Trial Begun — Instruction of Judge Marshall — Jury Returns Verdict — Not Guilty — Misdemeanor Trial — Acquittal — Jefferson Angry — Denounces the Judge — Pursues Burr into Exile.

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The first business on the reassembling of the court was securing the trial jury. This was serious work, for the marshal would not intentionally summon any one for a juror who was suspected of being friendly to Burr. It seemed for days that no jury could be secured; every man examined had formed and expressed an opinion that the prisoner was guilty, and, as many said, ought to be hanged. They generally admitted they had formed this opinion from what they had read in the newspapers, more particularly the published statements of General Wilkinson and "General" Eaton. At one time the court and counsel were in despair, and it was only when Burr consented to accept jurors who would have been excluded under a strict enforcement of the rules, that a jury was at length secured. The state-

ments made by most of those selected and sworn upon the jury would scarcely give assurance of a fair and impartial trial, but Burr was compelled to accept them or have his trial indefinitely delayed.

*Miles Bott* — Said, "from the affidavits of Generals Wilkinson and Eaton my opinion has been completely made up for several months past."

*Mr. Martin* — "I suppose you have only taken up a prejudice on the supposition that the facts stated were true."

*Mr. Bott* — "I have gone so far as to declare Mr. Burr ought to be hanged."

*Colonel Edward Carrington* said he "had formed an unfavorable opinion of the views of Mr. Burr, but these opinions were not definite. Some had said that Mr. Burr's object was to invade the Spanish territories; others that it was to dismember the Union. His own opinion had not been definitely fixed.

*Hugh Mercer* — Said "that an opinion which he had for some time past entertained of the character of Mr. Burr was unfriendly to a strictly impartial inquiry into his case."

*Christopher Anthony* — Stated, "he was in court, the other day, when the first *venire* was investigated; that it would be extremely unpleasant to serve on the jury; and that his general opinion had been precisely the same that had disqualified several other gentlemen."

*John M. Sheppard* — Said: "I too feel myself dis-

qualified for passing impartially between the United States and Aaron Burr. From the documents I have seen, particularly the depositions of Generals Wilkinson and Eaton, I have believed, and do still believe, that his intentions were hostile to the peace and safety of the United States. In short, that he had intended to subvert the government of the United States."

These men constituted nearly one half of the jury by which Burr was to be tried; of the remaining seven members only two declared they had formed or expressed no opinion. But so confident was Burr that the government could prove no criminal conduct against him, he did not hesitate to be tried by a jury of his enemies.

A motion was made that a *subpœna duces tecum* be issued to the president, requiring him to furnish certain papers necessary for the prisoner's defense. These included a letter from General Wilkinson to the president, and the orders issued by the government to the army and navy during the recent excitement. This motion was debated for several days, the prosecution fighting it with vehemence. The court decided the *subpœna* should issue. Mr. Jefferson, who was writing almost daily to the district attorney, giving directions and managing the prosecution, was greatly annoyed at this decision, and wrote the district attorney, saying: "Shall we move to commit Luther Martin as *particeps criminis* with

Burr? Grayball will fix upon him misprision of treason at least, and, at any rate, his evidence will put down this unprincipled and impudent Federal bulldog, and add another proof that the most clamorous defenders of Burr are all his accomplices."

Jefferson only in part complied with this order of the court. He furnished a copy of the letter to the district attorney, with instructions to withhold certain portions of it, and these were the portions Burr deemed the most important to his defense. Jefferson was not willing he should have a fair trial, and to prevent this defied the order of the court. Luther Martin properly characterized this act of the president as follows: "And would the president of the United States, who has raised all this absurd clamor, pretend to keep back the papers which are wanted for this trial, where life itself is at stake? It is a sacred principle, that in all such cases the accused has a right to all the evidence which is necessary for his defense; and whoever withholds, willfully, information that would save the life of a person charged with a capital offense is substantially a murderer, and so recorded in the register of heaven."

This action of the president also shows the personal interest he took in the conviction of the prisoner. It shows who was the real prosecutor, and who it was who inspired the eloquence and zeal of those he had employed to conduct the case. We say those he had employed, for Mr. Jefferson admitted he had

taken nearly twelve thousand dollars of public money to be used in this prosecution, an act that John Randolph denounced upon the floor of congress as one that no other president would have dared to commit.

Jefferson made two reports to congress giving the amounts of public money expended by himself in the prosecution of Burr. The first is a special message, dated January 8, 1808, in which he says:

“I now render to congress the account of the fund established for defraying the contingent expenses of government for the year 1807. Of the sum of \$18,012.50, which remained unexpended at the close of the year 1806, \$8,731.11 have been placed in the hands of the attorney-general of the United States, to enable him to defray sundry expenses incident to the prosecution of Aaron Burr and his accomplices for treason and misdemeanors alleged to have been committed by them, and the unexpended balance of \$9,275.39, is now carried according to law to the credit of the surplus fund.”

It seems there were some delayed payments to make, for on January 13, 1809, he reports the payment of “\$2,000, to pay expenses incident to the prosecution of Aaron Burr and his accomplices”; and, also, “\$990.00, paid to the order of Governor Williams on the same account.” Thus in his two reports he acknowledges the expenditure of \$11,721.11, in “prosecuting Burr and his accomplices,” paid from public money and not appropriated by

congress for that purpose. These payments were denounced at the time, as being made without precedent or the sanction of law. The law did provide for the payment of all proper expenses in the prosecution of criminals; under this law all lawful expenses in the prosecution of Burr were audited, and paid in full. Those paid by Jefferson, with public money, were necessarily expenses not authorized by law.

Mr. Botts, one of Burr's counsel, in an argument refers to this presidential interference, and says: "But I do not mean to admit that the president is bound or has even a right to interfere in any prosecution whatever. On the contrary, I insist that the president's interference with the prosecution is improper, illegal, and unconstitutional. From the very moment that a case enters into the pale of the judiciary, he ought to avoid all interference with it. What law gives him the power? The constitution gives him the power to repel invasions and suppress insurrections. It gives power to congress to do so; and he is to execute the laws made by congress and made for these purposes. He is, therefore, to suppress insurrections, but the very moment that an insurgent is taken before the judiciary, the two departments become distinct, and he has no right to interfere; if he do interfere he violates the constitution. He has a pardoning power which is utterly incompatible with any interference with the prosecuting power;

and *zeal* to conduct it is naturally begotten and increased with those who take part in a prosecution. If the president enter the lists with the attorney of the United States, if he direct a prosecution to be conducted, he becomes anxious and decisively zealous of the conviction; and this anxiety and this zeal affect his ability to judge of the propriety of pardoning. He makes himself as unfit to judge of and dispense mercy as the attorney who prosecutes.

“There is a great inequality between the prosecution and the defense when the president affords executive means to carry on the former, whereas, justice requires that there should be an equality between them. Is not the interest of the public engaged in defending as well as prosecuting? Is it not as much for the public good that innocence should be protected as that guilt should be punished? The law arms the prosecutor in this country with ample means to carry into effect the prosecution. His means are equal to those exercised in England. Why should not congress interfere as well as the president? The three departments of the government are separate and distinct by the constitution. None of them should go beyond its constitutional limits by encroaching on the other; and it is particularly essential to the security and happiness of the people that the judiciary should be independent.”

The president in this case not only used public money to employ counsel and procure evidence, but

he gave direction about the management of the case, and, in one instance, at least, prepared an argument to be used by the district attorney before the court. He privately examined witnesses who it was expected would be used at the trial, and, as in the case of Dr. Bollman, sought to entrap them into making statements detrimental to Burr. He even went so far as to make out a pardon for Bollman, which was to be given him only on condition that he would swear to a particular statement.

The trial was begun, and the prosecution presented all the evidence it had to sustain the charge in the indictment; but not a single overt act constituting treason had been shown, and until this was done, the court ruled that no collateral evidence was admissible. Upon this point a debate began which lasted nine days, and which has been declared to be "the finest display of legal knowledge and ability of which the history of the American bar can boast." It turned upon the point whether until the fact that a crime had been committed is proved, anything may be heard respecting the guilty intentions of the accused. It was upon this occasion that Wirt delivered that celebrated speech, an extract from which passed into the school books of the country, and did more to injure the name of Burr than anything else ever published. It was pure declamation, founded solely in the imagination of the distinguished lawyer, and in direct contrast with the truth.

The decision of Chief Justice Marshall was learned and elaborate, occupying three hours in its delivery. It fully sustained the contention of the defense, that no act of treason had been proved. It opens with a compliment to the counsel on both sides of the case. He says :

“ A degree of eloquence seldom displayed on any occasion has embellished a solidity of argument and a depth of research by which the court has been greatly aided in forming the opinion it is about to deliver. The testimony adduced on the part of the United States to prove the overt act laid in the indictment having shown, and the attorney for the United States having admitted, that the prisoner was not present when that act, whatever may be its character, was committed, and there being no reason to doubt but that he was at a great distance and in a different state, it is objected to the testimony offered on the part of the United States, to connect him with those who committed the overt act, that such testimony is totally irrelevant, and must, therefore, be rejected.

“ The arguments in support of this motion respect in part the merits of the case as it may be supposed to stand independent of the pleadings, and in part as exhibited by the pleadings.

“ On the first division of the subject two points are made : 1st. That conformably to the constitution of the United States, no man can be convicted

of treason who is not present when the war was levied. 2d. That if this construction be erroneous, no testimony can be received to charge one man with the overt acts of others until those overt acts as laid in the indictment be proved to the satisfaction of the court.

“The question which arises on the construction of the constitution, in every point of view in which it can be contemplated, is of infinite moment to the people of this country and to their government, and requires the most temperate and the most deliberate consideration. ‘Treason against the United States shall consist only in levying war against them.’”

Judge Marshall then proceeds to discuss at length the meaning of the words “levying of war” and who may be said to levy it. It is a long, elaborate and learned opinion; of interest to men of the legal profession, but almost unintelligible to the general public. We give only its conclusion. He says:

“The present indictment charges the prisoner with levying war against the United States, and alleges an overt act of levying war. That overt act must be proved, according to the mandates of the constitution and of the act of congress, by two witnesses. IT IS NOT PROVED BY A SINGLE WITNESS. The presence of the accused has been stated to be an essential component part of the overt act in this indictment, unless the common law principle respecting accessories should render it unnecessary; and

there is not only no witness who has proved his actual or legal presence, but the fact of his absence is not controverted.

“The counsel for the prosecution offer to give in evidence subsequent transactions at a different place and in a different state, in order to prove — what? The overt act in the indictment? that the prisoner was one of those who assembled at Blennerhassett’s Island? No; that is not alleged. It is well known that such testimony is not competent to establish such a fact. The constitution and law require that the fact should be established by two witnesses; not by the establishment of other facts from which the jury might reason to this fact. The testimony, then, is not relevant. If it can be introduced, it is only in the character of corroborative or confirmatory testimony, after the overt act has been proved by two witnesses in such manner that the question of fact ought to be left with the jury.

“The conclusion, that in this state of things no testimony can be admissible, is so inevitable that the counsel for the United States could not resist it. I do not understand them to deny that, if the overt act be not proved by two witnesses so as to be submitted to the jury, all other testimony must be irrelevant; because no other testimony can prove the act.

“Now an assemblage on Blennerhassett’s Island is proved by the requisite number of witnesses; and the court might submit it to the jury whether that

assemblage amounted to a levying of war; but the presence of the accused at that assemblage being nowhere alleged except in the indictment, the overt act is not proved by a single witness; and of consequence all other testimony must be irrelevant.

“The only difference between this motion as made and the motion in the form which the counsel for the United States would admit to be regular is this: it is now general for the rejection of all testimony. It might be particular with respect to each witness as adduced. But can this be wished? or can it be deemed necessary? If enough be proved to show that the indictment cannot be supported, and that no testimony, unless it be of that description which the attorney for the United States declares himself not to possess, can be relevant, why should a question be taken on each witness?

“The arguments on both sides have been intently and deliberately considered. Those which could not be noticed — since to notice every argument and authority would swell this opinion to a volume, have not been disregarded. The result of the whole is a conviction, as complete as the mind of the court is capable of receiving on a complex subject, that the motion must prevail.

“This opinion does not comprehend the proof of two witnesses that the meeting on Blennerhassett’s Island was procured by the prisoner. On that point the court for the present withholds its opinion for

reasons which have been already assigned; and as it is understood from the statements made on the part of the prosecution that no such testimony exists. If there be such, let it be offered; and the court will decide upon it."

The case was then submitted to the jury, with the instruction that they apply the law to the facts, and find a verdict of guilty or not guilty, as their own consciences may direct. The court adjourned until the next day, when Mr. Hay informed the court that he had nothing to offer to the jury of evidence or argument, that he had examined the opinion of the court, and must leave the case with the jury.

The jury accordingly retired and in a short time returned with the following verdict: "We of the jury say that Aaron Burr is not proved to be guilty under this indictment by any evidence submitted to us. We, therefore, find him not guilty." This verdict was objected to by Colonel Burr and his counsel as unusual, informal and irregular. After some discussion the court decided that the indorsement on the bill should remain, but that the entry on the record should be "NOT GUILTY."

Preliminary to entering upon the trial under the indictment for misdemeanor, Mr. Burr, on the 4th day of September, renewed his application for the two letters from General Wilkinson to the president of the United States, one of the 21st of October, 1806,

the other of the 12th of November of the same year, and for which a writ of *subpœna duces tecum* had been awarded. He said the president was in contempt, and he had a right to demand process of contempt against him; but as it would be unpleasant to resort to such process, and as it would produce delay, he hoped the letters would be produced. It might, perhaps, suffice to produce a copy, if duly authenticated, of that of the 21st of October, which was said to be lost or mislaid.

As to the letter of the 12th of November, which was alleged to contain confidential communications from the general to the president, and which the district attorney had expressed a willingness to produce, except those parts which were said to be confidential, he was not at present disposed to yield to the proposition. He has reason to believe that the *whole* letter had been shown to others to injure him; and as the whole letter had been used against him, the whole ought to be produced.

This question was discussed at much length by the counsel on each side, during which Mr. Botts suggested that, as the letter of the 12th of November was in possession of the attorney for the United States, the only way to get at it, if he persists in refusing it, is by *subpœna duces tecum* directed to Mr. Hay. To this proposition Mr. Hay strongly objected. He said: "There are two passages in the letter which I cannot submit to public inspection.

I do not know that they can be extorted from me under any circumstances. They are not essential to the defense of the accused. The gentleman must know that the letter has not the most distant bearing on the subject. My present impressions are that I would sooner submit to be committed than to betray this trust."

Mr. Hay further said : " These two passages have, in my conscience, no connection whatever with the accused or his defense. They shall not be exposed to public view unless extorted by the power of the court. I do not know that even that would do ; because I may submit to be put in prison. I think them irrelevant and improper to be disclosed. I shall be governed only by my own view of what is correct."

Mr. Wickham replied : " As the counsel on the other side has been pleased to say that he shall be influenced only by his own judgment as to this letter, it only remains for us, after such a defiance from him, to refer to the court whether it will direct the paper to be produced. I presume this refusal must be at the instance of General Wilkinson or the government."

Mr. Hay said : " The president, who certainly has a right of withholding from public view such documents, or parts of documents, as, in his judgment, ought not to be disclosed, has expressly authorized me to keep back such parts of the letter as I may think it would be improper to communicate. I,

therefore, withhold those parts of this letter which, in my own judgment, ought not to be made public."

The *subpœna duces tecum* was served on Mr. Hay, the district attorney, who acknowledged he had possession of the letter. Mr. Hay made return in accordance with his statement above—he would disclose portions of the letter, but not other portions. The defense objected to this return and moved that the case be continued until the whole letter be produced. Upon this another long discussion followed. The court decided substantially that the letter in controversy was not a public document; if it were, coming from the general of the army, it should be on file in the war department, but as it had been received and retained by Mr. Jefferson as a private letter to himself, as a private individual, he could not refuse to exhibit the whole of the letter, nor could he authorize Mr. Hay to make such refusal. If the letter, then, was not produced when demanded the trial would be continued until it was produced.

In the meantime a jury was impanelled and the trial commenced. But as a decision of the judge, made soon after the proceedings began, excluded nearly all of the prosecutor's evidence, he moved the court to discharge the jury. Burr objected and demanded a verdict. The court decided that the jury could not at that stage of the case be discharged without mutual consent. The jury then returned a verdict of NOT GUILTY.

This ending was disastrous to the hopes of Mr. Jefferson. His baffled vengeance wrought him up almost into a state of frenzy. He denounced Judge Marshall "as a mountebank, a trickster, a corrupt judge worthy of impeachment." He wrote to the district attorney to preserve the evidence, "now more important than ever," he said, thus showing he desired the conviction of Burr to acquit himself of precipitate and ridiculous credulity in his proclamation and orders against him. This persecution, malicious as it was, is undoubtedly the most disgraceful chapter in the life of Jefferson. None of his biographers, so far as we know, have attempted a defense of his conduct in this matter. Tucker, a devoted friend, condemns Jefferson severely, but evidently with much regret. Baldwin is more emphatic. He says the interference of Jefferson in the trial was wholly unauthorized and officious. He admits that he had a right to bring Burr to trial if he thought him guilty, for that would be the duty of the executive.

But he says: "After the court took cognizance of the case, the proceedings belonged to the judiciary department. It was an invasion of the judiciary, and a most dangerous one, for the president to interfere in the trial. The president held in his hand the pardoning power. He should have kept himself aloof from the public excitement, and have preserved a judicial impartiality, in order to exercise that

power, in case he was called upon to exert it, without prejudice. He should not have been closeted with the witnesses of the government. He should not have been the prosecutor, and more especially such a prosecutor, carrying zeal to intemperance, and intemperance to the rankest injustice and coarsest criminations of the court and others connected with the case. To bring executive power to bear upon a prisoner, to let loose upon his head the influence of the patronage and the placemen of the government, was to revive the worst judicial scenes of the days of the Tudors and the Stuarts. It were better that any criminal escaped, however guilty, than that he should be thus convicted; for the danger of immunity to crime, from the example of a malefactor's escape, is nothing to the danger of destroying the principle of personal freedom, for which all law was made."

Burr was now free from the toils of the law, but he was not yet free from the pursuit and persecution of his implacable enemy. Disgraced, impoverished, friendless, by the power he had largely created, his adversary, with the spirit of a vampire, still followed him into what was worse than the grave. We have not space to follow Burr into exile; we have not heart to tell how the long arm of oppression reached across the Atlantic and laid its heavy hand on the fugitive. It were shame to tell how American ministers, consuls, and all obeying the behests of the

administration, dogged the footsteps of the weary wanderer, to destroy his peace and degrade his name in a land of strangers. It was most shameful disgrace that the government of a people, loving justice, and right, and fair dealing, as the Americans do, demanded of a British monarch, as a courtesy, that he should drive from his dominions the persecuted victim of our own president. Such outrage was perpetrated and repeated in every land upon which the fugitive foot of Aaron Burr presumed to tread. It would be a more congenial theme, did space permit, to tell of that bold spirit which no persecution, no suffering, could bend or break. In the darkest hour of his life, when ingratitude, injustice and persecution assailed him on every side, no murmur of discontent was ever uttered from his lips; no word of complaint was ever written by his hand.

## CHAPTER XIII.

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### THE EVIDENCE.

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Truxtun — Vindication of Burr — Expedition Dependent on War — No War, No Conquest — No Talk of Disunion — The Cipher Letter Altered — Wilkinson's Perjury — Randolph's Exposure — The President's Indorsement — "On the Honor of a Soldier" — Wilkinson Confesses His Guilt — His Defense of Mexico — Claims Enormous Reward — Claim Rejected.

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It was unfortunate for Burr that he was acquitted entirely on the evidence of the prosecution; that none of the witnesses he had gathered for his defense was heard. The testimony of the witnesses introduced on the part of the government was published far and wide by the newspapers of the day, with the grossest exaggerations, and the cruelest and most unfounded implications against Burr. Everybody read these newspaper reports, while no word of contradiction or explanation ever reached them. The public judgment was, therefore, formed entirely upon the one-sided and exaggerated statements of the government witnesses. Colonel Burr had a large array of witnesses in attendance to disprove every charge in the indictment, and to impeach some of

the witnesses who appeared against him. Not one of these was examined. General Jackson, who knew thoroughly all the facts, was present but was not heard. Many others were there to testify on behalf of Burr, especially of the men who formed his party when arrested. It was, therefore, unfortunate, we think, that but one side of the case was heard, although that side failed to produce any evidence criminating Burr.

One witness, introduced by the prosecution fully acquitted Burr of both treason and misdemeanor, and he was by far the most respectable witness introduced; the newspapers failed to report him. We will do so now. We refer to Commodore Truxtun, and copy the report made by Mr. Robertson, the official reporter of the trial.

Commodore Truxtun was sworn, and testified as follows:

*Mr. Hay*—"Were you present when the court delivered its opinion?" "I was. I know nothing of overt acts, treasonable designs or conversations, on the part of Mr. Burr."

Here Mr. Hay, the attorney of the United States, seemed to doubt whether the evidence of the commodore applied to this charge, and to be indisposed to examine him.

*Mr. Wickham* then observed that he would put two questions to him: 1st. Whether he had not had frequent and considerable conversations with Mr. Burr

concerning the Mexican expedition? 2d. Whether in any of those conversations he ever heard him say anything of a treasonable design?

*Mr. Hay* objected to his examination at this time, and *Mr. Wickham* insisted on it. *Mr. Wirt* argued that the district attorney had the right to examine the witness or not, at this time, as he thought proper.

*Mr. Hay* said that, on reflection, he had no doubt that the testimony of *Commodore Truxtun* would have a direct bearing on the subject now before the court, when connected with the other evidence in the cause; that it would appear that there was an intimate connection between the two projects, the seizure of New Orleans and the attack on Mexico; he would, therefore, examine him now and propound this question: "Have you not had several conversations with the accused concerning the Mexican expedition?"

*Commodore Truxtun*—"About the beginning of the winter of 1805-6, *Mr. Burr* returned from the western country to Philadelphia. He frequently, in conversation with me, mentioned the subject of speculations in western lands, opening a canal and building a bridge. Those things were not interesting to me in the least, and I did not pay much attention to them. *Mr. Burr* mentioned to me that the government was weak, and he wished me to get the navy of the United States out of my head; that it would dwindle to nothing; and that he had something to

propose to me that was both honorable and profitable; but I considered this as nothing more than an interest in his land speculations. His conversations were repeated frequently. Some time in July, 1806, he told me that he wished to see me unwedded from the navy of the United States, and not to think more of those men at Washington; that he wished to see or make me (I do not recollect which of those two terms he used) an admiral; that he contemplated an expedition to Mexico, in the event of a war with Spain, which he thought inevitable.

“He asked me if the Havana could be easily taken in the event of a war? I told him that it would require the coöperation of a naval force. Mr. Burr observed to me that that might be obtained. He asked me if I had any personal knowledge of Carthagená and La Vera Cruz, and what would be the best mode of attacking them by sea and land? I gave him my opinion very freely. Mr. Burr then asked me if I would take the command of a naval expedition? I asked him if the executive of the United States were privy to or concerned in the project? He answered emphatically that he was not. I asked that question because the executive had been charged with a knowledge of Miranda’s expedition; I told Mr. Burr that I would have nothing to do with it that Miranda’s project had been intimated to me, but I declined to have anything to do with such affairs. He observed to me that, in the event of a war, he

intended to establish an independent government in Mexico; that Wilkinson, the army and many officers of the navy would join. I told Mr. Burr that I could not see how any officer of the United States could join. He said that General Wilkinson had projected the expedition, and he had matured it; that many greater men than Wilkinson would join, and that thousands to the westward would join."

*Mr. Hay*—"Do you recollect having asked him whether General Wilkinson had previously engaged in it?" "He said, 'Yes, and many greater men than Wilkinson.'"

*Mr. Hay*—"I will ask you whether at that time you were in the service of the United States?" "I was declared not to be."

*Mr. Hay*—"I do not wish to hurt your feelings, but merely to show to the jury the state you were in."

*Commodore Truxtun*—"Mr. Burr again wished me to take a part, and asked me to write a letter to General Wilkinson; that he was about to dispatch two couriers to him. I told him that I had no subject to write about, and declined writing. Mr. Burr said that several officers would be pleased at being placed under my command. He spoke highly of Lieutenant Jones, and asked me if he had sailed with me? I told him that he had not, and that I could give him no account of Mr. Jones, having never seen him to my knowledge. He observed that the expedition could not fail; that the Mexicans were ripe

for revolt; that he was incapable of anything chimerical or that would lead his friends into a dilemma. He showed me the draught of a periauger or kind of boat that plies between Paulus Hook and New York, and asked my opinion of those boats and whether they were calculated for the river Mississippi and the waters thereof; and I gave him my opinion that they were. He asked me whether I could get a naval constructor to make several copies of the draught? I told him I would. I spoke to a naval constructor and delivered it to him, but as he could not finish them as soon as Mr. Burr wished, the draught was returned to him. Mr. Burr told me that he intended these boats for the conveyance of agricultural products to market at New Orleans, and, in the event of war, for transports. I knew, and informed him, that they were not calculated for transports by sea nor for the carrying of guns; but having determined to have nothing to do with the Mexican expedition, I said very little more to him about those boats; but I very well recollect what I said to him in our last conversation towards the end of July. I told him there would be no war. He was sanguine there would be war. He said, however, that if he was disappointed as to the event of war, he was about to complete a contract for a large quantity of land on the Washita; that he intended to invite his friends to settle it; that in one year he would have a thousand families of respectable and fashiona-

ble people, and some of them of considerable property; that it was a fine country, and that they would have a charming society, and in two years he would have double the number of settlers; and being on the frontier, he would be ready to move whenever a war took place. I have thus endeavored to relate the substance of the conversations which passed between us as well as I can recollect. Though it is very possible that I have not stated them, after such length of time, *verbatim*."

*Mr. MacRae* — "Was it in your first conversation that he told you that you should think no more of those men at Washington?" "It was in several."

"Was it not in July that he told you that he wished to see you unwedded from the navy of the United States, and to make you an admiral?" "That conversation happened in July. He wished to see or make me an admiral; I can not recollect which."

*Mr. Hay* — "Did not those conversations take place after it was declared that you were no longer in the service of the United States?" "They did."

In answer to a question by Colonel Carrington, one of the jury, he again stated that the latter conversation was in July.

*Mr. Martin* — "Was it not to the event of a war with Spain that these conversations related?" "All his conversations respecting military and naval subjects and the Mexican expedition were in the event

of a war with Spain. I told him my opinion was that there would be no war, and he seemed to be confident that there would be war."

*Mr. MacRae* — "Did he mention General Eaton in any of those conversations?" "He mentioned no person but General Wilkinson and Lieutenant Jones."

*Mr. Hay* — "Had you not expressed your dissatisfaction at the declaration of your not being in the service of the United States?" "I had. The misunderstanding between the secretary of the navy of the United States and myself took place in March, 1802."

On cross-examination, the commodore further stated that he had had several (he did not know how many) conversations with Mr. Burr; and that, as well as he could recollect, it was about the latter end of July that he informed him that he was about concluding a bargain for the Washita lands, and wished also to see him unwedded from the navy of the United States. He added that "Mr. Burr said that after the Mexican expedition he intended to provide a formidable navy, at the head of which he intended to place me; that he intended to establish an independent government and give liberty to an enslaved world. I declined his propositions to me at first, because the president was not privy to the project. He asked me the best mode of attacking the Havana, Carthagena and La Vera Cruz, but spoke of no particular force."

*Mr. Burr* — “Do you not recollect my telling you of the propriety of private expeditions, undertaken by individuals in case of war; and that there had been such in the late war, and that there was no legal restraint on such expeditions?”

*Mr. Hay* objected to the question as improper.

*Mr. Burr* insisted on its propriety, and that the gentlemen for the prosecution had set an example far beyond it.

*Commodore Truxtun* — “You said Wilkinson, the army and many of the officers of the navy would join, and you spoke highly of Lieutenant Jones.”

*Mr. Burr* — “Had I not frequently told you, and for years, that the government had no serious intention of employing you, and that you were duped by the Smiths? And do you not think that I was perfectly correct in that opinion?” “Yes; I know very well I was.”

“Were we not on terms of intimacy? Was there any reserve on my part in our frequent conversations; and did you ever hear me express any intention or sentiment respecting a division of the Union?” “We were very intimate. There seemed to be no reserve on your part. I never heard you speak of a division of the Union.”

“Did I not state to you that the Mexican expedition would be very beneficial to this country?” “You did.”

“Had you any serious doubt as to my intentions

to settle those lands?" "So far from that, I was astonished at the intelligence of your having different views, contained in newspapers received from the western country after you went thither."

"Would you not have joined in the expedition if sanctioned by the government?" "I would most readily get out of my bed at twelve o'clock at night to go in defense of my country, at her call, against England, France, Spain or any other country."

*Mr. Hay* — "Did the prisoner speak of commercial speculations?" "He said they might be carried on to advantage."

"Did he, in his conversations, speak of commercial establishments in which he or his friends were to have an interest?" "He spoke of settling that country and sending produce therefrom to different parts of the world, New Orleans particularly."

*Mr. Wirt* — "Did he speak of an independent empire in Mexico, having an advantageous connection with this country?" "I understood him so."

*Mr. MacRae* — "Did he wish to fill your mind with resentment against the government?" "I was pretty full of it myself, and he joined me in opinion."

*Mr. Wirt* — "On what subject did Burr wish you to write to General Wilkinson?" "General Wilkinson and myself were on good terms, and he wished me to correspond with him; but I had no subject for a letter to him, and, therefore, did not write to him."

*Mr. Hay* — “Suppose we were to have a war with Spain, would not New Orleans be a proper place from whence to send an expedition against the Spanish provinces? Is it not more proper for that purpose than any other place in the western parts of the country?” “Certainly it is; but large ships can not come up to New Orleans; small craft or vessels must take the expedition down the river.”

*Mr. Parker*, one of the jury — “Did you understand for what purpose the couriers spoken of were to be sent by Mr. Burr to General Wilkinson?” “I understood from him that there was an understanding between himself and General Wilkinson about the Mexican expedition.”

*Mr. Parker* — “Was this expedition only to be in the event of a war with Spain?” “Yes; in all his conversations with me he said that this expedition was to take place only in the event of a war with Spain.”

*Mr. Parker* — “Was there no proposition made to you for such an expedition, whether there was war or not?” “There was not.”

This evidence of Commodore Truxtun is clear, complete and conclusive as to Burr's intentions in respect to his Mexican project. The commodore was one of the few honest witnesses examined at the trial, and he was introduced by the prosecution evidently under a mistaken idea of what his testimony would be. He states emphatically that Burr's intentions were based solely on the event of a war with

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Spain. Strong efforts were made to get him to state the contrary, with only the result of making him more positive in his assertions. Burr's vindication by this witness is full and complete.

General Wilkinson was the star witness by whom Jefferson expected to prove his whole case against Burr. Wirt said, in advance, that his evidence "was the keystone of the arch of all the testimony they possessed," and the case was held in abeyance, almost a month, waiting the arrival of this important witness. It was unfortunate for his credit, when he did arrive, that John Randolph was foreman of the grand jury, for he detected his falsehoods and made him acknowledge that he had committed both forgery and perjury in connection with the cipher letter, upon which the prosecution mainly relied to convict Burr. As this witness was of so much importance and his testimony so greatly relied upon, it will not be improper to present him in his true character.

The cipher letter was written on the 29th of July, 1806, when Burr was at Philadelphia, in answer to a letter from Wilkinson, and was strictly in response to his inquiries. The letter as it was written shows plainly that an agreement existed between Burr and Wilkinson in regard to a military enterprise in which both were to engage. Wilkinson had written to know whether Burr was pushing his preparations and was securing funds for the proposed movement. At the time of receiving this reply, which was not

until in October, Wilkinson had changed his plans, and, for reasons which may readily be surmised, had determined to abandon the enterprise and use the letter to the injury of Burr. To do this it was necessary to alter the letter so as to eliminate all expressions which went to show that the enterprise referred to was one in which they were both interested, and also to conceal the fact that it was a reply to a letter from himself to Burr. This he did, and then translated the letter in the entirely new form he gave it. And, swearing to the truth of this translation, he forwarded it to Jefferson, who published it far and wide over the country.

Nothing else at that time bore so heavily against Burr as this mutilated and distorted letter. It was read in every corner of the country, with the president's indorsement. How could the people know that in the sense in which it was used it was a falsehood? It turned the tide of public opinion, which had been overwhelmingly for Burr, almost entirely against him. How could they know that the letter, as they received it, was tainted with both forgery and perjury? It is true that when Wilkinson refused to permit any one to see the original letter, some of the people, knowing Wilkinson's bad character, doubted the genuineness of the publication. But the great body of the people accepted it as true, and, as with one voice, cried "Crucify him! crucify him!" To this day the greater portion of our people believe, on

the evidence of that letter, that Burr was a traitor. It did not matter that Wilkinson acknowledged, when he was examined as a witness, that he altered the letter and had sworn to a falsehood when he made oath that the translation he gave was a true one of the original letter. Not one in a hundred who had been deceived by the forgery ever heard of this confession.

In a speech in congress made by John Randolph, in January, 1808, in which he refers to this forgery, he introduced the subject by saying he should certainly have abstained from noticing the circumstance he was about to mention, and which he had believed to be of general notoriety, had it not been that, within a few days past, a gentleman with whom he was in habits of intimacy, and whose means of information were as good as those of any member of the house, to his utter surprise, informed him that he was totally ignorant of the fact. This ignorance then and still largely pervades the country.

Mr. Randolph, it will be remembered, was the foreman of the grand jury that returned the indictment against Burr, on which he was tried for treason. In referring to this matter, "Mr. Randolph said: He held in his hand an interpretation of this ciphered letter, which was made in the grand jury room at Richmond, by three members of that body, for their use and in their presence; and it was necessary here to state that so extremely delicate

was General Wilkinson that he refused to leave the papers in possession of the grand jury; whenever the jury met they were put into their hands, and whenever they rose the witness was called up and received them back again. Here was a copy—rather a different one from that which, ‘on the honor of a soldier and on the Holy Evangelists of Almighty God,’ was as fair an interpretation as General Wilkinson was able to make. A comparison of the two would throw a little light upon the subject. In the printed copy of the last session might be read, ‘I (Aaron Burr) have actually commenced the enterprise—detachments from different points,’ etc. In the original the words had been scratched out with a knife, so as to cut the paper—‘I have actually commenced’—not the enterprise, but ‘the Eastern detachments.’ Now mark; by changing the word *Eastern* into *enterprise*, and moving the full stop so as to separate *Eastern* from its substantive *detachments*, the important fact was lost that, as there were Eastern detachments under Colonel Burr, there must have been *Western* detachments under somebody else! Now, with a dictionary in his hand, could any man change ‘Eastern’ into ‘enterprise’ and move the full stop, under an exertion of the best of his ability? Again, the printed copy says, ‘Everything internal and external favors views;’ the original has it, ‘favors *our* views.’ The word ‘our’ perhaps could not be found in any English dictionary!

The printed version says again, 'The project (this is the best interpretation upon his oath which a party who had never suffered the papers to go out of his hands could make) is brought to the point so long desired.' The real interpretation is, 'the project, my *dear* friend, is brought to the point so long desired.' "

In answer to the question by a member of the house, "whether there was not a motion before the grand jury to find a bill against General Wilkinson?" Mr. Randolph said: "There was before the grand jury a motion to present General Wilkinson for misprision of treason. The motion was overruled upon this ground: that the treasonable (overt) act having been alleged to be committed in the state of Ohio, and General Wilkinson's letter to the president of the United States having been dated, although but a short time, prior to that act, this person had the benefit of what lawyers would call a legal exception, or a fraud. But," said Mr. Randolph, "I will inform the gentleman that I did not hear a single member of the grand jury express any other opinion than that which I myself expressed of the moral (not the legal) guilt of the party." This was the witness and this the evidence which Mr. Wirt declared was "the keystone to the arch of all the evidence they possessed" to convict Colonel Burr of treason. And this was the evidence, almost entirely, upon which Burr was condemned by the people and is still condemned by them.

McMasters, in his history of the United States, draws a vivid picture of Wilkinson as he appeared at Burr's trial: "We can see the confusion, the hesitation, the hang-dog look of Wilkinson, traitor, perjurer, false friend, pensioner of Spain, as he stands before the jury for examination. We can see John Randolph laboring in the jury room to indict him for treason, and Aaron Burr laboring in the court room to attach him for contempt. We can see Swartwout jostle him in the Eagle Tavern and then post him as a liar, a villain and a coward because he will not fight. We can see Andrew Jackson abuse him in every company, and, choking with excitement, laud Burr to a crowd of admirers on the court house green."

The one other witness whose testimony helped to raise the clamor and the excitement against Burr was Eaton — "General" Eaton, as he appears in the record, but the title was self-assumed. The highest rank he attained in the service of the country was that of captain, and while holding this he was, by order of General Wayne, tried by court-martial, for improper conduct, and dismissed from the service. Some time after his dismissal from the army, being poor and in distress, Jefferson appointed him consul at Tunis, in the Barbary states, North Africa. The office had little importance and less salary, but Eaton, as he claimed, not only managed to live comfortably but in a short time expend ten thousand dollars of

his own money for government expenses. After his return from Africa he presented his claim to the accounting officers of the government for payment. These officers rejected it, insisting that Eaton was indebted to the government. Eaton then applied to congress, and a bill was introduced in the house of representatives, authorizing the proper officers to settle with Eaton. This bill languished; it seemed to have no friends. For three years this claim was persistently rejected by the government, when in January, 1807, Eaton suddenly recollected he had had some conversations with Burr about a year before, in which Burr discussed some highly treasonable projects in which he was then engaged. Eaton promptly gave these disclosures the form of an affidavit, and carried it to Jefferson. Nothing was more desired by the president, just at that time, than statements such as this, tending to increase and justify the clamor against Burr. He accepted this from Eaton not alone with thanks, but within six weeks Eaton was paid his claim for ten thousand dollars in full, a claim that had for three years been persistently rejected as unjust. This affidavit cost the people ten thousand dollars; it was right, then, they should have the reading of it; therefore the president had it sent broadcast over the country. The main purpose of its purchase was fully accomplished; it increased the excitement and confirmed the belief of the people that Burr was about to pitch

the capitol into the Potomac. This particular project, the overturning of the general government, was the important feature of Eaton's affidavit. As this was not material in the trial at Richmond, it was excluded, and what was given by the witness was not believed. His manners were obnoxious to all who saw him at Richmond. "Strutting on the streets, tricked out in colored clothes and Turkish sash, tippling in the taverns and prating of his wrongs," as McMasters describes him. Yet this man's purchased perjury created a prejudice at the time it was first published which is still perpetuated.

More than fifty years ago Safford, in his "Life of Blennerhassett," gives the following, referring to Burr: "He was arrested, tried and acquitted, but his country refused to believe him innocent. Though stout old Truxtun had testified in his favor; though Jackson had seen nothing wrong in Burr's project, but agreed to favor it, the popular voice continued to regard him as a traitor, whom accident alone had prevented from dismembering the Union. That a man of sense and ability should entertain such a notion, relying for aid on associates whom he knew would countenance no treason, is a preposterous and insane supposition. As he said on his death-bed, he might as well have attempted to seize the moon and parcel it out among his followers."

While Jefferson was complimenting Wilkinson for displaying "the honor of a soldier and the fidelity

of a good citizen," in swearing to a falsehood and in violating the constitution and the laws of his country, to secure the condoning of his well-known crimes, Wilkinson was trying to add money to his purse by attempting to persuade the Mexican government that its very existence had been in imminent danger, and that but for himself in driving back the invaders, Mexico would then have been "under the heel of a conqueror." But, he said, "I, like Leonidas, boldly threw myself in the pass," and stayed his course. With "the honor of a soldier and the fidelity of a good citizen," he now demanded his pay. Soon after his confession at Richmond, that he had altered Burr's letter and perjured himself in swearing that a false translation of it was true, he made up his account against Mexico and sent his aid, Captain Walter Burling, to the viceroy of that country to demand payment, in the sum of *two hundred thousand dollars*, for the expense he had incurred in "counteracting the hostile plans of the American vice-president Burr, against Mexico." This would make Jefferson's indorsement of the general's "honor" seem ridiculous were it not that Jefferson knew, and Wilkinson knew, and everybody else knew, that Wilkinson was, at the moment that Jefferson indorsed him, the greatest scoundrel in the western country.

This "embassy" of Wilkinson to the viceroy of Mexico was in the autumn of 1807, just after the

close of Burr's trial. The widow of the viceroy had given her recollection of the matter to Colonel Keene, an officer in the service of Spain, who was engaged in investigating the matter some years later. Colonel Keene enclosed her statements to Dr. Mangan, who was the interpreter between the viceroy and Burling, on the occasion, for a statement of the facts, and also asks him to verify the widow's statement if it be true.

The documents to prove that Wilkinson really made this demand upon the viceroy of Mexico are full and complete, as given in Davis' "Life of Burr." We will copy the statements of the Rev. Dr. Mangan, Rector of the Irish College in Salamanca, who acted as interpreter between the viceroy and Captain Burling. Dr. Mangan said: "As his excellency was pleased to make use of me as interpreter in the interview he granted Mr. Walter Burling, the bearer of a letter from the aforesaid General Wilkinson, and commissioned by him to the viceroy the importance of his embassy, I candidly confess that, to the best of my recollection, the exposition of the vice-queen is perfectly correct, for the object of the famous embassy of Mr. Burling was to display to the viceroy *the great pecuniary sacrifices* made by General Wilkinson to frustrate the plan of invasion meditated by the ex-vice-president, Mr. Burr, against the kingdom of Mexico, and to solicit, in consideration of

such important services, a pretty round sum of at least *two hundred thousand dollars*.

"I cannot help observing that the viceroy, Don Joseph de Yturriary, received this communication with due contempt and indignation, bidding me to tell Mr. Burling that General Wilkinson, in counter-acting any treasonable plans of Mr. Burr, did no more than comply with his duty; that he (the viceroy) would take good care to defend the kingdom of Mexico against any attack or invasion, and that he did not think himself authorized to give one farthing to General Wilkinson as compensation for his pretended services. He concluded by ordering Mr. Burling to leave the city of Mexico, and had him safely escorted to the port of Vera Cruz, where he was immediately embarked for the United States.

"This is, believe me, the substance (as far as I can recollect) of the famous embassy of General Wilkinson to the viceroy of Mexico, who certainly was not mistaken in the passage he mentioned to you of Leonidas, as I recollect well that General Wilkinson, after displaying in a pompous style the great difficulties he had to encounter to render Mr. Burr's plan fruitless, concluded by affirming—'I, like Leonidas, boldly threw myself in the pass, etc.'"

It is well to know the true character of the witness whose evidence was, as Wirt declared, "the keystone of the arch of all the testimony they possessed" against Burr. He was before infamous to

all who knew him, and, if it were possible to do so, had added to his infamy by his acknowledged perjury at the trial of Burr. His pretense of having spent large sums of his own money in protecting Mexico from an attempted invasion by Burr is characteristic of his swindling propensity. He had for many years been a pensioner of Spain, hired and paid to create disaffection in the western states. Jefferson knew this when he indorsed him, and, the presumption is strong, that Wilkinson had assurances that he would be protected from punishment if he would help to convict Burr.

## CHAPTER XIV.

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### BLENNERHASSETT.

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An Irishman — Of Wealth and Good Position — Settles on an Island — Seeks Burr's Acquaintance — Offers His Services — In Any Enterprise Proposed — Engages in Burr's Land Settlement — Is Indicted for Treason — Not Prosecuted — Failure in Business — Dies in Poverty — Mrs. Blennerhassett — Her Death.

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Harman Blennerhassett was one of the most picturesque characters of western life. He belonged to an Irish family of wealth and position. He was well educated, fond of scientific studies, but of an eccentricity of mind which deprived him of the ability of prosecuting any business successfully. He had, however, brought wealth with him when he came and settled upon an island in the Ohio river and in the jurisdiction of Virginia. If he had no ability for acquiring wealth he had wonderful facility for spending it. He built a "palace" upon his island, of a style which defied all rules of architecture, ancient or modern, and more nearly resembled a military barrack than a family residence. He was more successful with his grounds, which were made somewhat to resemble an Irish nobleman's park. And

here, with wife and children, with books, chemical apparatus, and especially with musical instruments, he was prepared to spend a happy, uneventful life.

“Who is Blennerhassett?” asks Wirt in one of his flights of oratory at Burr’s trial. He answers himself: “A native of Ireland, a man of letters, who fled from the storms of his own country to find quiet in ours. His history shows that war is not the natural element of his mind. If it had been, he never would have exchanged Ireland for America. So far is an army from furnishing the society natural and proper to Mr. Blennerhassett’s character that on his arrival in America he retired even from the population of the Atlantic states and sought quiet and solitude in the bosom of our western forests.” Wirt was right; Blennerhassett was in every way unfitted for the life of a soldier. He was physically disqualified for a soldier; he was so near-sighted he could not distinguish a friend from an enemy at the distance of ten paces. Would Burr have used persuasion to induce such a man to join a military expedition, full of danger and difficulty, requiring strong, vigorous, active men to make it successful? Nor was he mentally fitted for the work or life of a soldier, where sound judgment was a necessity. Let us see what those who knew him best had to say about him.

Mr. Dudley Woodbridge, a witness introduced and examined on the part of the government, was

for six or eight years the business partner of Mr. Blennerhassett, doing business under the firm name of Dudley Woodbridge & Co. He was not only personally well acquainted with Mr. Blennerhassett, but knew perfectly the condition of his financial affairs. On cross-examination he testified in part as follows :

*Mr. Burr* — “ You know Mr. Blennerhassett well ; was it not ridiculous for him to be engaged in a military enterprise ? How far can he distinguish a man from a horse ? Ten steps ? ”

*Witness* — “ He is very near-sighted. He can not know you from any one of us, at the distance we are now from one another. He knows nothing of military affairs. I never understood that he was a military man. ”

*Mr. Wirt* — “ You were asked, sir, about Mr. Blennerhassett’s military talents. Permit me to ask you what were his pecuniary resources ? What was the state of his money matters ? ”

*Witness* — “ I believe they are not as great as was generally imagined. I gave him six thousand dollars for one-half of his profits of our business ; he had about three thousand dollars in stock in our company’s concern. His fortune is much less than generally understood. He had not over five or six thousand dollars in the hands of his agent in Philadelphia. His island and improvements cost about forty or fifty thousand dollars. It would not, however, sell for near that sum, except to a person of the

same cast with Mr. Blennerhassett. After building his house, his property, exclusive of the island and five negroes, amounted probably to seventeen thousand dollars."

*Mr. Wirt* — "Is he esteemed a man of vigorous talents?"

*Witness* — "He is; and a man of literature. But it was mentioned among the people of the country that he had every kind of sense but common sense, at least he had the reputation of having more of other than of common sense."

Mr. Blennerhassett, then, was not a man of military inclination or experience, nor was he a man of sufficient wealth to contribute to any considerable extent to the expense of a military expedition. He was not a man Burr would wish to burden himself with in the enterprise he proposed against Mexico. Burr declared in after life, and all the circumstances confirmed his statement, that he made no engagement with Blennerhassett until after the collapse of his military projects.

For nearly a hundred years the belief has existed in the minds of many people that Burr beguiled Blennerhassett into joining with him in unlawful enterprises, and thereby ruined and impoverished him. The only foundation for this belief was Wirt's bright imagination and brilliant eloquence. He had, in prosecuting the case against Burr, no facts he dare discuss, he therefore drew upon his imagination for

what he wished. He created scenes that fascinated the eyes of the people, and described them in words that held captive the minds of men. They were deceived, but they believed. And that generation taught their sons and daughters to believe, until to-day it is regarded as almost sacrilegious to doubt the truth of the great lie Wirt's necessity compelled him to invent.

In preparing for his trial at Richmond, Blennerhassett made what he called a brief of his case for the use of his lawyers. In this he gives a statement of his first acquaintance with Burr. He says: "prisoner first became acquainted with Aaron Burr by a voluntary and unsolicited visit made by A. B. to prisoner at his residence on the Ohio, in the spring of 1805. Col. Burr arrived about nightfall. He participated during the visit in the general conversation of the company; had no private interview or business with the prisoner, and he took leave about eleven o'clock at night." Burr was then going down the river on his first trip to the west in 1805. On his return he called again at Blennerhassett's, but did not see him; he was absent from home.

Then Blennerhassett continues: "Sometime in the beginning of December following, prisoner on his return from Baltimore, received a letter from Col. Burr, couched in polite language and expressing a regret at not having had an opportunity of improving a personal acquaintance with prisoner, owing to

the absence of the latter from home." There was, then, at that time, no personal acquaintance between them, except the brief call the spring before, at which no private interview was had. Blennerhassett then proceeds to tell of his "*advance*" to Burr. He says: "At this time a wish on the part of the prisoner to improve his pecuniary affairs, combining with a natural desire to cultivate an acquaintance by which he justly thought, he might improve his own talents, and promote the interests of his children, led him, after some reflection, to write the first letter he ever addressed to the late vice-president, expressive of a desire to be honored with a hope of being admitted into a participation of any speculation which might, during his tour through the country, have presented itself to Colonel Burr's judgment as worthy to engage his talents. In making this *advance*, prisoner contemplated not only a commercial enterprise, or land purchase, but a military adventure was distinctly mentioned, in which prisoner would engage." He adds: "This *overture* on the part of the prisoner procured a visit from Colonel Burr at prisoner's late residence, on the Ohio, some time in the month of August, 1806."

This is a plain, simple statement of the fact that when Burr had no real acquaintance with Blennerhassett, and had said nothing to him of any plans he had in view, the latter had written him of his own motion, and solicited a participation in whatever

enterprises Burr might be thinking of, whether commercial, land purchase, or military. The letter to Burr, referred to in his brief, was written December 21st, 1805, and the portion of it containing his "advance" to Burr is as follows:

"But the interests of a growing family, I feel, will summon me again into active life, to the resumption of my former profession of the bar, mercantile, or other enterprise, if I should find an opportunity of selling or letting my establishment here to a gentleman who could, without a sacrifice, give me a price by which I should not lose too much of the money it stands me in, say \$50,000; or afford me a rent of \$2,500, which, by proper management, it might be made to realize without paying, at the highest rate, half the yearly value of the extensive and numerous conveniences on the place, with a detail of which I forbear to trouble you, observing merely, that there is now in good order, say, two hundred acres, which, with twenty well managed hands, employed in raising hemp, would afford a handsome profit. In either way, if I could sell or lease the place, I would move forward with a firmer confidence in any undertaking which your sagacity might open to profit and fame.

"Having thus advised you of my desire and motives to pursue a change of life, to engage in anything which may suit my circumstances, I hope, sir, you will not regard it indelicate in me to observe to

you how highly I should be honored in being associated with you in any contemplated enterprise you would permit me to participate in. The amount of means I could at first come forward with would be small. You might command my services as a lawyer, or in any other way you should suggest as being most useful. I could, I have no doubt, unite the talents and energy of two of my particular friends, who would share in any fortune which might follow you. The gentlemen alluded to are Mr. Dudley Woodbridge, junior, of Marietta, and Mr. Devereux, of Baltimore, a ci-devant-general in the Irish rebel army, either of whom, it is proper to remark, could be prevailed upon to enlist in the undertaking.

“Not presuming to know or guess at the intercourse, if any, subsisting between you and the present government, but viewing the probability of a rupture with Spain, the claim for action the country will make upon your talents, in the event of an engagement against, or subjugation of, any of the Spanish territories, I am disposed, in the confidential spirit of this letter, to offer you my friends’ and my own services to co-operate in any contemplated measures in which you may embark. In making this proposition, I hope, sir, you will feel that it flows in a conviction of your judgment and talents, from a quarter that ever did and always will prefer to seek fortune and fame through the call, rather than the coercion, of any government.

"A further development of my views would at present aggravate the trespass on your time by this letter, too much prolonged, and would besides, I hope, be a guarantee of the perfect confidence you may repose in my integrity in any communication you may be pleased to honor me with.

"I shall await with much anxiety the receipt of your reply, and with warm interest in your success and prosperity."

In what strong contrast is the truth as stated by Blennerhassett to the fiction invented by Wirt! The seduced, as the fiction has it, is found to be the seducer. Burr had said no word, had made no suggestion of any design he had in view when Blennerhassett appealed to him for help. "In the midst of all this peace, this innocence, this tranquility, this feast of mind, this pure banquet of the heart, the destroyer" — poverty — had come. Blennerhassett was planning to escape from it. He would sell all the "enchantments of the scene," but no purchaser could be found. He would even consign them to anyone who could "afford the sacrifice" of taking them, but no one would take them. Then he sends out his cry to Burr, "help or I perish." "I should be honored in being associated with you in *any* contemplated enterprise you would permit me to participate in." I will be your "lawyer" or "in any other way you should suggest" I will serve you.

But Burr did not answer this appeal for almost four months. And then he had no comfort to give him. He had an enterprise in view, but "the business, however, depends, in some degree, on contingencies not within my control, and will not be commenced before December or January, *if ever*." "But I must insist that these intimations be not permitted to interrupt the prosecution of any plans which you have formed for yourself." Whatever Burr's enterprise might be, it was evident it was not one in which he wished Blennerhassett's participation. In fact he goes so far as to recommend him, if he wishes to leave his scenes of enchantment, and go into common business, to remove to New Orleans. "As a place of business," he tells him, "it offers great advantages; most of those who style themselves lawyers are become visionary speculators, or political fanatics."

Four months after writing this letter, Burr calls and spends a night with Blennerhassett, but no business is discussed at this meeting which satisfied the ambition of the latter, or gave him hope of any engagement with Burr. Still Blennerhassett did not entirely despair. Two months he remained in uncertainty, then he followed Burr to Lexington, Kentucky, and found him in a more accommodating mood. Burr was willing to take him and his family to his settlement on the Washita, and Blennerhassett gladly accepted the offer.

From his interview with Burr at Lexington Blennerhassett hastened home to prepare for the removal of himself and family to the proposed settlement on the Bastrop lands. He found on his return that the community was becoming agitated over rumors, then beginning to be set afloat, of designs to divide the Union. This was in the first week of November, and about the time of Burr's first arrest in Kentucky. Blennerhassett denied the reports so far as Burr and himself were concerned. He told of the purchase of the Bastrop lands and the proposed settlement of them as the only purpose entertained by Burr and himself. But the excitement increased, and when Colonel Tyler and his men, in descending the river, stopped at the island the public feeling had become dangerous, and Blennerhassett joined the party and proceeded with it, leaving his wife and family to follow.

After the arrest of the expedition and the destruction of Burr's boats at Bayou Pierre, in the Mississippi territory, Blennerhassett purchased a cotton plantation, near Natchez, and settled with his family upon it. It was during the following summer that he was arrested and taken to Richmond to answer to the indictments against him for treason and misdemeanor. When Burr was tried and acquitted these indictments against Blennerhassett were abandoned, and he returned to his Mississippi plantation. For a time he prospered, but when the embargo and the

war of 1812 came they brought ruin to cotton-raising and reduced him again almost to poverty.

Ten years after he settled in Mississippi, he grew impatient of the situation, and being involved in debt, he determined to sell his estate and remove to the city of New York. In an advertisement offering his property for sale, he describes it as consisting of "One thousand acres of land, two hundred of which were under cultivation, a dwelling house, orchard and cotton gin, with many other improvements, six miles from navigation; also, twenty-two negroes, the whole estimated at the sum of \$27,000." This sale enabled him to pay his debts and have a small balance remaining, which he took with him to New York and invested in bank stocks. Here his bad luck, or bad management, followed him, in two or three years his capital was exhausted, and his means of support were gone.

In his distress a friend in Canada invited him to come to Montreal, and promised to procure him a judgeship, which would furnish salary enough to support his family. In desperate straits, he accepted the offer and removed to Montreal. Here again he met with disappointment, the position promised him could not be secured, and he was in greater distress than before. His capital now was all gone, but he remembered that upon the death of a distant relative in Ireland, a considerable estate would revert to him, and on inquiry he found the relative had long

been dead; he therefore prepared for a trip to Ireland.

He returned to Ireland in 1822 to secure his reversionary estate, only to find himself too late. His rights were outlawed, and the estate was lost only from negligence. He then made application for an appointment under the British government, depending for assistance, in this, upon some old friends and distant relatives, whose influence, he thought, could obtain all he wished. But he had been for a quarter of a century absent, and was almost or quite forgotten by them. But above all he was poor, and that was a crime they could not condone. He could get nothing, not even the humblest position. He spent three years in this fruitless effort; then he returned to Canada, and removed his wife and youngest son to England, where a maiden sister of his own received them to share her small income. Here they remained a few years, when, his health failing, he was taken to the island of Guernsey, in the hope that he might be benefited by it. He had, before leaving England, two or three attacks of paralysis, and these continued until on the 1st day of February, 1831, he died, in his sixty-third year.

Among the charges against Burr, commonly believed, are that he beguiled Blennerhassett into joining his expedition, and ruined him financially. We have seen by Blennerhassett's own statements how false is the first charge; let us now examine the

second. Blennerhassett, in his diary kept during the trial at Richmond, and under date of October 10th, 1807, says: "I have to-day spent much time in painful reflections on the state of my affairs with Burr. It appears from a statement of my private account with him, so far as I now can collect all my charges against him here, for he has but two credits, he is indebted to me in a balance of \$2,864.96, independent of my account against him, for what I have paid and lost, by my indorsement of the bill held by Miller for \$4,000. It will be useless, or worse, for me to appear at Marietta without a sum of money, if not sufficient to discharge Miller's claim, at least necessary to enable me to get my negroes away from Ohio, if that is now possible, and to redeem some few valuable articles of my property that have been sacrificed at sheriff's sales." It appears from this that after the trial at Richmond Burr owed Blennerhassett \$2,864.96 for money received, and for an indorsement of \$4,000 the latter made for him and was compelled to pay. This would aggregate \$6,864.96. For this indebtedness and for losses sustained, Governor Alston paid in full discharge to Blennerhassett the sum of \$12,500 soon after the trials were ended.

At the time of this payment by Alston, which was intended to cover all legal claims held by Blennerhassett against Burr and all losses sustained by him in the sacrifice of property sold to pay the indorsement he had made for Burr, being a very liberal

allowance for that purpose, Blennerhassett was entirely satisfied. He could not be otherwise, for Alston, anxious to keep Burr from all censure, was unusually liberal in his settlement with Blennerhassett. Some four years afterward Alston was surprised and disgusted with an attempt upon the part of Blennerhassett to blackmail him for a large sum in addition to what he had received. He placed his losses at \$50,000, with no specifications whatever, and admitting the receipt of \$12,500, demanded the additional sum of \$37,500. He says: he had "sustained damages to the amount of \$50,000, of which sum I now demand \$15,000, payable at New Orleans or Philadelphia, in August next. The respective sums you have paid already in part discharge of your written obligation, I believe, \$12,500, together with the \$15,000 now required, will leave a balance of \$22,500, which you may, if you please, adjust by your obligation, on receipt of which, if required, I will dismiss my demand against Burr by suit in Philadelphia."

This was Blennerhassett's modest demand after he had already been paid nearly double the amount owed to him, as he stated the amount due, in his diary on October 10, 1807, before which all connection between himself and Burr had ceased. Blennerhassett knew he had no claim against Alston, who was wealthy and entirely responsible for the amount claimed, if he had been owing it, and Burr's debt had been paid

and overpaid. He, therefore, does not threaten suit, but resorts to blackmailing tactics. In short, he proposes to publish a book which will implicate Colonel Alston in his own and Burr's enterprises, and that being proclaimed "to the honest Democratic electors of South Carolina, who thence will remove you from the chair of their assembly with a different kind of zeal from that through which they placed you in it." And declares that unless Alston will pay the sum demanded he will publish this book and disgrace him, but if the payment is made the book will be suppressed.

He says: "I have to add that I have no doubt of my book's producing \$10,000, if you do not think proper to prevent its appearance," but intimates that it will certainly appear if the sum of money is not paid, which he claims is due him. It was a miserable attempt at blackmail, and Alston properly treated it with contempt and did not notice it. He had paid, without any legal obligation to do so, the entire debt that Burr owed Blennerhassett, and, in addition, a liberal sum to cover losses. For the destruction of his property by the government Burr was not liable any more than Blennerhassett was for the destruction of Burr's property by the government.

After Burr's return from Europe Blennerhassett renewed his demand, and wrote Burr as follows: "My losses, Gov. Alston may have stated to you, I estimate at \$50,000, of which his Excellency has already

reimbursed, I believe, \$12,500, and it is very probable nothing short of the publication of my book, hitherto postponed only by sickness, will bring me any part of the balance, so long sought in vain from his honor and engagements. His well-earned election to the chief executive office of his state, and your return from Europe, will, however, now render the publication more effective than it would have been prior to these events, and it will be expedited within three months from this date, if all other means of indemnity fail within that period.

“I would still agree to accept from any other source \$15,000 in lieu of the balance I claim of \$37,500, and, of course, withhold the book, which is entitled ‘A Review of the Projects and Intrigues of Aaron Burr, during the years 1805–6–7, including therein, as parties or privies, Thos. Jefferson, Albert Gallatin, Dr. Eustis, Gov. Alston, Dan. Clark, Generals Wilkinson, Dearborn, Harrison, Jackson and Smith, and the late Spanish Ambassador, exhibiting original documents and correspondence hitherto unpublished, compiled from the notes and private journal kept during the above period by H. Blennerhassett, LL.B., with this motto, which will find applicability in every page of the book: “It is only the philosopher who knows how to mark the boundary between celebrity and greatness.”’

“You will now, sir, I hope, perceive distinctly upon what terms I would execute a general acquit-

tance to Gov. Alston and yourself. I have long since abandoned every chance of reimbursement from either of you, unless I should succeed in forcing the object through the alarms of his Excellency, or the fears and interest of other characters."

It is unfortunate that Blennerhassett resorted to means so despicable to extort money from Governor Alston, who, out of pure sympathy, had in paying Burr's debt to him paid him several thousand dollars more than Burr legally or equitably owed him. The despotic conduct of the government had impoverished Burr, and almost impoverished Blennerhassett, still the latter had secured enough to purchase a thousand acre farm and stock it with slaves, on which he might have lived comfortably but for his own mismanagement. Burr had absolutely nothing left him but the debts he was owing. The wanton destruction of Burr's property when he was guilty of no crime was a disgrace to the government.

Mrs. Blennerhassett was in most respects in striking contrast to her husband. She was endowed in an eminent degree with strong practical sense. To a brilliant mind were added personal beauty and great physical endurance. She has been described as above medium height, bright, sparkling dark blue eyes, graceful and dignified manners, a complexion the carnation hue of which could be painted only by the hand of nature. Safford, who had his description from those who knew her, says: "Her

mind was not less polished than her manners; and the fluency with which she wrote and spoke the French and Italian languages indicated a high degree of cultivation, to which few in this golden age of science and letters have ever attained." But it was in her every-day life that her true character was more perfectly developed. Reared amid luxury and ease, she readily adapted herself to the hardship of pioneer life. Her household duties were never neglected, yet she had time for outdoor duties. She was the most accomplished equestrienne in the country, and could also walk, without apparent fatigue, twenty miles at a time. When her husband was absent, after their removal to Mississippi, she managed the plantation with greater profit than he did when in charge.

After the death of her husband, Mrs. Blennerhassett, with broken health and a dependent son, resolved to return to the United States and seek indemnity for the wanton destruction of her home, by the Wood county militia acting under orders of the general government. It was certainly a just claim, for nothing was ever shown to justify the unlawful act. "The agents of the president," as Safford states it, "had not only detained the boats and stores prepared for the enterprise of Burr, but had actually destroyed the former and consumed the latter. They had invaded the sanctity of her household; had appropriated to themselves and wasted her provisions; broken her furniture; laid waste the gardens; torn

down the fences, and had done serious injury to the mansion. They had put Blennerhassett to an enormous expense in defending himself at Richmond; they, in fact, had reduced him from affluence to comparative poverty."

In 1842, while residing in New York, in great poverty, with an invalid son, she memorialized congress, stating her claim and asking reimbursement for her losses. We give from this modest petition the following extracts: "Your memorialist does not desire to exaggerate the conduct of the said armed men or the injuries done by them; but she can truly say that before their visit the residence of her family had been noted for its elegance and high state of improvement, and that they left it in a comparative state of ruin and waste. And, as instances of the mischievous and destructive spirit which appeared to govern them, she would mention that, while they occupied as a guard room one of the best apartments in the house, the building of which cost nearly forty thousand dollars, a musket or rifle ball was deliberately fired into the ceiling, by which it was defaced and injured; and that they wantonly destroyed many pieces of valuable furniture. She would also state that, being apparently under no restraint, they indulged in continual drunkenness and riot, offering many indignities to your memorialist and treating her domestics with violence.

"These outrages were committed upon an unof-

fending and defenseless family, in the absence of their natural protector, your memorialist's husband being then away from home; and that, in answer to such remonstrances as she ventured to make against the consumption, waste and destruction of his property, she was told by those who assumed to have the command that they held the property for the United States, by order of the president, and were privileged to use it and should use it as they pleased. It is with pain that your memorialist reverts to events which, in their consequences, have reduced a once happy family from affluence and comfort to comparative want and wretchedness; which blighted the prospects of her children and made herself, in the decline of life, a wanderer on the face of the earth."

Robert Emmet, a nephew of the Irish martyr, took much interest in this application of Mrs. Blennerhassett for long delayed restitution for the ruthless destruction of her home, by order of the government. He placed her memorial in charge of Henry Clay, telling him that "Mrs. Blennerhassett is now in this (New York) city, residing in very destitute circumstances, bestowing her cares on a son, who, by long poverty and sickness, is reduced to utter imbecility, both of body and mind, unable to assist her or provide for his own wants. In her present destitute situation, the smallest amount of relief would be thankfully received by her. Her condition is one of *absolute want*, and she has but a

short time left to enjoy any better fortune in this world."

Henry Clay eloquently advocated the prayer of this memorialist, and a favorable report was made from the committee to which it had been referred, the report saying the claim was just and ought to be paid, closing with "Not to do so would be unworthy a wise or just nation." Restitution would doubtless have been made after so many years, but before final action was taken by congress, Mrs. Blennerhassett died, destitute and friendless, the victim of an unholy revenge.

It will be seen from Blennerhassett's own statement that Burr made no attempt to induce him to join in either of his enterprises until after the abandonment of the Mexican expedition, on Blennerhassett's insistance, he accepted him as a partner in the project of the settlement of the Washita lands. It is also shown by Blennerhassett's acknowledgment that Alston, for Burr, repaid him all Burr owed him, including his losses from indorsing for Burr. Blennerhassett's attempts, afterwards, to blackmail Alston, by threats to disgrace him if he did not pay the damages done to his property by order of the government, shows how entirely his losses had disordered his mind, if indeed he ever did possess sound principles. And this condition of mind fully explains his unwarranted detractions of Burr and others in his later life.

But however this may be there is no excuse for the wanton destruction of Blennerhassett's island home by order of the government. It was an outrage that none but vandals could have committed and only a despot could have ordered. Blennerhassett had been, for the eight or ten years he had resided on his island, a quiet, peaceful, law abiding citizen. He was entitled to be treated as such. If crime of any kind was imputed to him, he had the right, guaranteed to every citizen, of a fair trial and conviction before punishment should be awarded, and then the punishment should have been only such as the law prescribed. There was just as much lawful right for shooting Blennerhassett and his family to death as there was for destroying his home and his means of support, as was done by the military authorities of Wood county, Virginia, as they claimed by orders from the government, even if he had been guilty of the crime alleged. There never was a greater outrage perpetrated in any civilized country than that against Burr and all who were supposed to be connected with him.

## CHAPTER XV.

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### BURR'S LATER LIFE.

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Returns to His Profession — Does a Large General Business — His Daughter's Death — His Great Grief — Has Many Friends, but Avoids General Society — His Religious Views — His Morals — His Correspondence — His Illness — His Death and Burial.

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Burr lived nearly thirty years after the ruin in reputation brought upon him by Jefferson's vindictive persecution — busy, active, useful years, saddened by the terrible tragedy of his daughter's death, but never desponding or despairing, never complaining of his great sorrow or his deep disgrace. Self-reliant, he sought no sympathy and would permit nothing like condolence. Friends he had, true and faithful to the end. With these he was content and gave no heed to the prejudice of the great world around him. One of these friends, who spent six years, from 1814 to 1820, as clerk and student in his office, and in daily intercourse with him, has left a record of his life and manners, from which we make some brief extracts. Judge John Greenwood says:

"His industry was of the most remarkable character. Indeed it may with truth be said that he was

never idle. He was always employed in some way, and, what is more, required every one under him to be so. Sometimes, in coming through the office and observing that I was not at work, as I might not have been at the moment, he would say, 'Master John, can't you find something to do?' although it is safe to say no clerk in an office was ever more constantly worked than I was. He would rise at an early hour in the morning, devote himself to business all day — for he had a large general practice — and usually retired to rest not sooner than twelve or half-past twelve at night. In this way he would accomplish a vast amount of work. His perseverance and indefatigability, too, were strikingly characteristic. No plan or purpose once formed was ever abandoned, and no amount of labor could discourage him or cause him to desist. To begin a work was, with him, to finish it. How widely in this respect he differed from some professional men of his own and the present day, I need hardly say. I could recur to some greatly his juniors in years, who were and are his opposites in this respect. He was for having a thing done, too, as soon as it could be, and not, as some have erroneously supposed, for seeing how long it could be put off before it was begun.

"But I must say a word of his manner in court. He seemed in the street and everywhere in public to be strongly conscious that he was a mark of observation — to some of curiosity, to others of hostile

or suspicious regard. Carrying this feeling into a court room, his manner was somewhat reserved, though never submissive, and he used no unnecessary words. He would present at once the main point of his case, and as his preparation was thorough, he would usually be successful. If he thought his dignity assailed in any manner, even inferentially, his rebuke was withering in the cutting sarcasm of its few words and the lightning glance of his terrible eyes, which few could withstand. I may say in this connection that his self-possession, under the most trying circumstances, was wonderful, and that he probably never knew what it was to fear a human being.

"If there was anything which Burr's proud spirit supremely despised, it was a mean, prying curiosity. He early inculcated on me the lesson never to read an opened letter addressed to another, which might be lying in my way, and never to look over another who was writing a letter. It was one of my duties to copy his letters, and I shall never forget the indignant and withering look which, on one occasion, he gave to a person in the office, who endeavored to see what I was copying. Neither would he tolerate any impertinent staring or gazing at him as if to spy out his secret thoughts and reflections.

"You will be glad to hear me say something of his very fascinating powers in conversation. It may seem strange, if not incredible, that a man who had

passed through such vicissitudes as he had, and who must have had such a crowd of early and pressing memories on his mind, should be able to preserve a uniform serenity, and even cheerfulness, but such is the fact. His manners were courtly and his carriage graceful, and he had a winning smile in moments of pleasant intercourse, which seemed almost to charm you. He would laugh, too, sometimes, as if his heart was bubbling with joy, and its effects were irresistible. Nobody could tell a story or an anecdote better than he did himself. Yet, where spirit and a determined manner were required, probably no man ever showed them more effectively.

"Col. Burr was a social man; that is, he liked the company of a friend, and would spend a half hour with him in conversation most agreeably. He was very fond of young company. Children were delighted with him. He not only took an interest in their sports, but conciliated them, and attached them to him by presents.

"He was ~~very fond of alluding to events in his military life.~~ Indeed, I think that he chiefly prided himself upon his military character. His counsel was much sought by foreigners engaged in revolutionary enterprises, who happened to be in New York; and during the period of the revolution in Caraccas, Generals Carrera and Ribas, who took part in it, and during its existence visited New York, were on very intimate terms with him. The former

was a gentleman of great talent, but of modest and retired bearing.

“There are some who suppose Colonel Burr had no virtues. This is a mistake. He was true in his friendships, and would go any length to serve a friend; and he had also the strongest affections. I shall never forget the incidents concerning the loss of his daughter Theodosia, the wife of Governor Alston, of South Carolina. Soon after Colonel Burr's return from Europe to New York, he arranged for her to come on and visit him, and she set out, as is known, from Georgetown in a small schooner, called the Patriot. Timothy Green, a retired lawyer in New York, a most worthy man and an old friend of Colonel Burr, went on by land to accompany her. The fact of the departure of the vessel, with his daughter and Mr. Green on board, was communicated by letter from Governor Alston to Colonel Burr, and he looked forward with anticipations of joy to the meeting which, after so many years of separation, was to take place between himself and his dear child. A full time for the arrival of the vessel at New York elapsed, but she did not come. As day after day passed, and nothing was seen or heard of the vessel or his daughter, that face, which before had shown no gloom or sadness, began to exhibit the sign of deep and deeper concern. Every means was resorted to to obtain information, but no tidings were ever

heard of the vessel or of her upon whom all the affections of his nature had been bestowed.

“ ‘Hope deferred’ did in this case, indeed, make sick and nearly crush the heart. His symbol, which he loved occasionally to stamp upon the seal of a letter, was a rock in the tempest-tossed ocean, which neither wind nor wave could move. But his firm and manly nature, which no danger or reverse, nor any of the previous circumstances of his life, had been able to shake, was giving way. It was interesting, though painful, to witness his struggle, but he did rise superior to his grief, and the light once more shone upon his countenance. But it was ever after a subdued light.

“ His married life with Mrs. Prevost (who had died before I went into his office) was of the most affectionate character, and his fidelity never questioned. There is another thing, too, which I add to his credit. He was always a gentleman in his language and deportment. Nothing of a low, ribald, indecent or even indelicate character ever escaped his lips. He had no disposition to corrupt others. One other thing I will add in this connection. Colonel Burr in everything relating to business, and, indeed, in all his epistolary correspondence with men, had a special regard to the maxim that ‘things written remain,’ and was very careful as to what he wrote.

“ I must point to one admirable and strong characteristic in him. He sought with young men, in

whom he felt an interest, to graft them as it were with his indomitable will, energy and perseverance. I can truly say that, although I was often overtaxed beyond my powers, and even to the injury no doubt of my health, so that his course seemed to me then to be over-exacting and oppressive, yet that he constantly incited me to progress in all the various modes and departments of mental culture, even in music, the influence of which he deemed of great importance, although he had but little taste for and no knowledge of it himself; and that my success in life, so far as I have succeeded, has been owing to the habits of industry and perseverance which were formed under his training."

In after years Burr never hesitated to talk freely to his friends about his intentions, in the years 1805-6. He had no motives for concealment, and no desire for any, and entered fully into the details of his former projects. His first and great desire was the revolutionizing of Mexico, somewhat on the same plans Hamilton had entertained for the "liberation of South America." His second purpose was the settlement of his Washita lands. The difficulties existing in 1806 between this country and Spain, and the assurance of Wilkinson that a war was inevitable, induced Burr to believe that the time had come for the realization of his long cherished dream of conquest. If the war came, Wilkinson was to advance with his small army of six hundred well-trained

soldiers, and Burr would appeal to the patriotism of the western states for a volunteer force to follow the regular troops as soon as possible. Burr never dreamed of invading Mexico with untrained volunteers alone. He always said it would have been folly to do so; he depended upon Wilkinson's disciplined soldiers as a nucleus around which his raw recruits could be formed until they were trained. Such were Burr's plans during the summer of 1806, but he could make no movement until he was advised by Wilkinson that he was about to strike the enemy and thus inaugurate a war the western people were all so ardently hoping for. It was not until October of that year that Burr's disappointment came with Wilkinson's treachery.

Burr had made no attempt at enlisting men for the Mexican expedition; he did not propose to do so until the declaration of war would arouse the war spirit of the people, when, he believed, volunteers in sufficient number could readily be secured. But he spent much time in consultation with General Jackson, General Adair, and others of the class who would be leaders in the enterprise, maturing plans and arranging for means to accomplish the purpose. It seems never to have occurred to the American people that Burr was not alone in this enterprise. If he had been it would have been the most helpless and hopeless expedition ever devised. Burr never dreamed of undertaking it alone. He had the advice, the coun-

sel, and in some instances the proffered assistance, of some of the best men of the country. Andrew Jackson had pledged him to join the Mexican expedition, to "join and accompany him with his whole division." Adair could not go in person, but he would "provide a respectable contingent." And many others of lesser note were only awaiting the call to war to declare themselves. But they were all waiting for war. They did not intend to inaugurate war, or invade a friendly nation. But if war came they would be in its midst. It seems strange that a people who so universally heaped their highest honors upon Andrew Jackson would never believe him when he declared he personally knew that Burr contemplated nothing wrong or unlawful. But prejudice is the most incomprehensible vice existing among men.

Of Burr's life after his return from Europe the general belief is that it was passed in obscurity and poverty, himself unhonored and unknown. This is untrue. He was, until broken by years, a busy, active and successful lawyer; some of his best work in his profession was during this time. His life was not a secluded one, nor was he without the association and friendship of many of the best people of the city. He did not seek general society, but his observation included all passing events of public interest. Entirely withdrawn from politics, he still watched party conflicts with close attention and

thorough understanding of party tactics. He never forgave the "Virginia dynasty," by whose machinations he was driven from public life. When he found this dominating power maneuvering to place Monroe in nomination for the presidency, to succeed Madison, and thus continue their own dominance, he was the first to propose an opposition. He wrote to Governor Alston in November, 1815, urging him to present General Andrew Jackson as an opposing candidate. He said in part, "A certain junto of actual and fictitious Virginians, having had possession of the government for twenty-four years, consider the United States as their property, and, by bawling 'Support the Administration,' have so long succeeded in duping the republican public. One of their principal arts, and one which has been systematically taught by Jefferson, is that of promoting state dissensions, not between Republican and Federal—that would do them no good—but schisms in the Republican party. By looking round you will see how the attention of leading men in the different states has thus been turned from general and state politics. Let not this disgraceful domination continue.

"Independently of the manner of the nomination and the location of the candidate, the man himself is one of the most improper and incompetent that could be selected. Naturally dull and stupid; extremely illiterate; indecisive to a degree that would be incredible to one who did not know him; pusil-

lanimous and, of course, hypocritical; has no opinion on any subject, and will be always under the government of the worst men; pretends, as I am told, to some knowledge of military matters, but never commanded a platoon nor was ever fit to command one. He served in the Revolutionary war — that is, he acted a short time as aid-de-camp to Lord Stirling, who was regularly \* \* \* \* \*. Monroe's whole duty was to fill his lordship's tankard and hear, with indications of admiration, his lordship's long stories about himself. Such is Monroe's military experience. I was with my regiment in the same division at the same time. As a lawyer Monroe was far below mediocrity. He never rose to the honor of trying a cause of the value of a hundred pounds. This is a character exactly suited to the views of the Virginia junto.

"To this junto you have twice sacrificed yourself, and what have you got by it? Their hatred and abhorrence. Did you ever know them to countenance a man of talents and independence? Never — nor ever will.

"It is time that you manifested that you had some individual character; some opinion of your own; some influence to support that opinion. Make them fear you, and they will be at your feet. Thus far they have reason to believe that you fear them.

"The moment is extremely auspicious for breaking down this degrading system. The best citizens

of our country acknowledge the feebleness of our administration. They acknowledge that offices are bestowed merely to preserve power and without the smallest regard to fitness. If, then, there be a man in the United States of firmness and decision and having standing enough to afford even a hope of success, it is your duty to hold him up to public view; that man is *Andrew Jackson*. Nothing is wanting but a respectable nomination, made before the proclamation of the Virginia caucus, and Jackson's success is inevitable.

"If this project should accord with your views, I should wish to see you prominent in the execution of it. It must be known to be your work. Whether a formal and open nomination should now be made, or whether you should, for the present, content yourself with barely denouncing, by a joint resolution of both houses of your legislature, congressional caucuses and nominations, you only can judge. One consideration inclines me to hesitate about the policy of a present nomination. It is this—that Jackson ought first to be admonished to be passive; for, the moment he shall be announced as a candidate, he will be assailed by the Virginia junto with menaces and with insidious promises of boons and favors. There is danger that Jackson might be wrought upon by such practices. If an open nomination be made, an express should be instantly sent to him.

"This suggestion has not arisen from any exclu-

sive attachment to Jackson. The object is to break down this vile combination which rules and degrades the United States. If you should think that any other man could be held up with better prospect of success, name that man. I know of no such. But the business must be accomplished, and on this occasion, and by you. So long as the present system prevails, you will be struggling against wind and tide to preserve a precarious influence. You will never be forgiven for the crime of having talents and independence."

It is sometimes said that Aaron Burr left no works of value behind him, and this is largely true. All his most important papers, and they were numerous and of much value, shared the sad fate of his daughter, who was lost at sea. Before Burr sailed for Europe in June, 1808, he placed all his valuable papers in possession of his daughter, Mrs. Alston, of South Carolina. After his return his daughter started in a sailing vessel to visit her father, in New York, taking his papers, all he had prepared during his public life, including an extensive correspondence, with her. After leaving port the vessel was never heard of, its fate was never known. Burr's papers met the same mysterious destiny which attended his daughter.

There were, however, reports of a great number of letters left by him which were described as unfit for publication, and which were burned by his execu-

tors after his death. All these, it was said, accumulated after his return from Europe, and in his old age. It is not likely there was any truth in this report as to the character of the letters. One of his friends was Mrs. Webb, a lady of high respectability, who cared for him in his last years. She positively denies the truth of the report in respect to the nature of the letters thus left by him. Mrs. Webb published a denial of the story put in circulation. She said:

"Some two years previous to the death of Colonel Burr, who was then residing at the corner of Gold and Fulton streets, sick and bedridden, I went, accompanied by his relative and staunch friend, the late Mr. Ogden E. Edwards, to see him, and found him helpless and needing greatly the attention that women only can bestow. He had a female servant, who attended to him, as all hirelings do, with apathy. Mr. Edwards, for some time previous, had attended to the Colonel's financial concerns, received his pensions, supplied his wants, &c., with a zeal and fidelity that commanded the Colonel's gratitude, and the good feeling of the few friends that time had left the persecuted old man. There lay in helpless loneliness, the man whom I had been taught from childhood to regard as a great but a doomed man. My impressions had been received from my father, who knew him well, and loved as well as he knew him, and who could not have loved a bad man. For many years Colonel Burr had been the friend of myself and

family. Providence had placed me in a situation to afford him those comforts which his condition required. I prepared rooms for him in my house, and he accepted my invitation to come, as my guest, and remain as long as he pleased. He came, and with him came five or six large packing cases, containing his law papers, letters, &c. I was then first informed that Mr. Davis was about writing the Colonel's life.

“He desired me to let Mr. Davis and Mr. Townsend, who were friends of long standing, have access to the papers when they wished. They generally came and went together, and took with them such of the papers as were required for the biography, under the inspection always of Mr. Edwards and myself, by the request of Colonel Burr. When it was known that the house was to be demolished to give place to the present structure, the Hon. Ogden Edwards and myself had a conversation with the Colonel in regard to his papers, when it was determined that the large bulk of them should be consigned to the care and custody of Mr. Ogden Edwards, the ever faithful and untiring friend of the Colonel, leaving the other portion in my possession, where some of them now remain, the rest having been delivered by me to Mr. Davis, and taken away by him on a cart in sacks, from my residence in Brooklyn.

“Thus, then, were the papers in my possession for upwards of two years, and often, at the colonel's

request, looked over by Mr. Edwards and myself. Let me here say that *I never saw a letter or document among the papers of Mr. Burr that would bring a blush to the cheek or a tear to the eye of any one.* If there were letters of such a kind, they must have escaped the rigid scrutiny of two sincere friends of the colonel, to whom his reputation was, and to one of whom it is still, dear — the other having gone to join him in that far-off, better land, where envy and malice are unknown.

*"All who knew Colonel Burr knew him to be a silent, secretive man. Is it likely, then, that one who had suffered persecution deeply as he had done, would, even if he had the power, expose others to the tortures he had suffered. As early as the year 1829 the husband of the writer of this made preparation, by the examination of documents and frequent consultations with Colonel Burr, for writing his biography. This was long before Mr. Davis was thought of for performing such service. If circumstances had not prevented the fulfillment of that intention, Colonel Burr would have had at least justice done to him."*

The circumstances which brought this good woman to Burr's assistance, when stricken both with years and illness, are singular and romantic. Parton relates them at length: "During the expedition to Canada, while the American forces lay near the heights of Quebec, Burr, whose stock of provisions

was reduced to a biscuit and an onion, went to a small brook to drink. Having no cup, he was proceeding to use the top of his cap as a drinking vessel, when a British officer who had come to the other side of the brook for the same purpose saluted him politely and offered him the use of his hunting-cup. Burr accepted the offer, and the two enemies entered into conversation. The officer, pleased with the frank and gallant bearing of the youth—for a youth he seemed—concluded the interview by bestowing upon him the truly magnificent gift of part of a horse's tongue. They inquired each other's name. 'When next we meet,' said the Briton, 'it will be as enemies, but if we should ever come together after war is over, let us know each other better.' Stepping upon some stones in the middle of the brook, they shook hands and parted. In the subsequent operations of the war each saw the other occasionally, but before the peace the British officer went home badly wounded.

"Thirty-six years after, when Colonel Burr was an exile in Scotland, he met that officer again; an old man then residing upon his estate. Each had a vivid recollection of the scene at the brook in the old wars, and a warm friendship sprang up between them. Colonel Burr visited the home of the aged officer and received from him assistance of the most essential kind. Twenty-four years later, the daughter of that Scottish officer, ruined in fortune by a

husband's extravagance, was at the head of a large boarding-house in New York, near the Bowling Green. Both herself and husband had been friends of Colonel Burr ever since their arrival in New York, and, after her husband's death, Burr was her lawyer. This lady was, and is, one of the kindest and sprightliest of her sex; a woman of high breeding, with too little of the provincial in her character to have more than a very slight respect for that terror of provincial souls, Mrs. Grundy."

Burr remained with Mrs. Webb until the summer of 1836, a helpless paralytic, when he was removed to Port Richmond, on Staten island, where apartments were secured for him in a small hotel. He was carried to the steamboat on a litter, accompanied by a number of friends. Mrs. Webb was one, and did not leave him until everything necessary for his comfort had been provided; then he was left in charge of a nurse and a man servant. But she and other friends visited him daily. As she bade him good-bye for the night, he took her hand and tenderly said: "May God for ever, and for ever, and for *ever* bless you, my last, best friend. When the hour comes, I will look out, in the better country, for one bright spot for you — be sure." Here he was tenderly cared for and daily visited by many loving friends until the end came.

During his last illness, for some weeks before his death, he was visited daily by Rev. Dr. P. J. Vanpelt,

a minister of the Reformed Dutch Church. Burr was pleased and thankful for these visits. Dr. Vanpelt afterward said: "I was uniformly received by him with his accustomed politeness and urbanity of manner. The time spent with him at each interview—which was an hour, more or less—was chiefly employed in religious conversations, adapted to his declining health, his feeble state of body, and his advanced age, concluding with prayer to Almighty God for the exercise of his great mercy, the influence of his Holy Spirit, and divine blessing. In all which he appeared to take an interest and be pleased, and particularly would thank me for the prayers I offered up in his behalf, for my kind offices and the interest I took in his spiritual welfare, saying it gave him great pleasure to see me and hear my voice. And when I reminded him of the advantages he had enjoyed, of his honored and pious ancestry, viz: his father a minister of the gospel and president of the college at Princeton, New Jersey, and his mother a descendant of the learned and celebrated divine, Jonathan Edwards; and that doubtless many prayers had gone up to heaven from the hearts of his parents for his well being and happiness, it seemed to affect him. And when I asked as to his views of the holy scriptures, he responded, 'They are the most perfect system of truth the world has ever seen.' So that, judging from his own declaration, and behavior to

me, as his spiritual adviser, he was not an atheist nor a deist."

Parton, who gave particular attention to the charges of immoral conduct upon the part of Burr, says of them: "Aaron Burr was a man of gallantry. He was not a debauchee; *not* a corrupter of virgin innocence; *not* a despoiler of honest households; *not* a betrayer of tender confidences. He was a man of gallantry. It is beyond question that, in the course of his long life, he had many intrigues with women, some of which (not many, there is good reason to believe) were carried to the point of criminality. The grosser forms of licentiousness he utterly abhorred; such as the seduction of innocence, the keeping of mistresses, the wallowing in the worse than beastliness of prostitution. Not every woman could attract him. He was the most delicate and fastidious of men. A woman of wit, vivacity and grace, whether beautiful or not, whether the inhabitant of a mansion or a cottage, was the creature who alone, and who always, could captivate him. He was, as it were, a man of gallantry by nature. Everything appertaining to the sex was peculiarly interesting to him. He doated on a neatly turned billet-doux. He thought highly of the minds of women; he prized their writings. The rational part of the opinions now advocated by the Woman's Rights Conventions were his opinions fifty years before those conventions began their needed and useful work.

"The beautiful picture of Mary Wolstoncroft (by Opie, the author of a *Vindication of the Rights of Women*,) he preserved through all the vicissitudes of his life, and gave it away on his death-bed to his last and best friend, in whose possession it still remains. It was impossible that he should have been addicted to gross sensual indulgences. A man who is gross in one appetite is generally gross in all. A man who, like Burr, is temperate in eating and drinking to the degree of abstemiousness, may not be strictly chaste, but he cannot be a debauchee. A man who retains to the age of seventy-nine the vigor of manhood and the liveliness of a boy, cannot at any period of his life have egregiously violated the laws of his being."

It is no doubt true that Burr, in his later life, was not guiltless in this respect, neither were his great rivals, Jefferson and Hamilton. Indeed the latter, being suspected of peculation in office, while secretary of the treasury, wrote and published a pamphlet to show that the suspicious circumstances all grew out of an amour he had with the notorious Mrs. Reynolds, thus deciding to protect his integrity as an officer by exposing his frailty as a man. Mr. Curtis, in his recent publication, "*The True Thomas Jefferson*," referring to the charges of this nature against Jefferson, very charitably disposes of them. He says: "He was probably no more immoral than Franklin, Washington, Hamilton, and other men of his time. He was neither a St. Anthony nor a Don Juan.

Judged by the standard of his generation, his vices were those of a gentleman, and such as did not deprive him of the respect and confidence of the community." It is not well that these things should be remembered or discussed, and it is not improper that Burr, with less guilt, be given the same silence that is given the others.

Burr was never regarded as a religious man, yet he always had profound respect for the Christian religion. It had always been his custom, when consulted by young men as to a course of study, to name the Bible as the most important of all books, and it always stood at the head of the list he recommended for study. He never complained of his sufferings either of mind or body, but during the last few months of life he became restive and at times expressed a wish that the end might come. "All the ties of consanguinity which operate in uniting him to the world were severed asunder. To him there remained no brother, no sister, no child, no lineal descendant. He had numbered four score years, and was incapable, from disease, of moving abroad or even dressing himself." It was little wonder, then, he wished his hour to come. It came on the 14th of September, 1836, in his eighty-first year. His burial was at Princeton, New Jersey, where he was laid at the feet of his father and mother in the family burial ground.

The *New York Courier and Enquirer* of Septem-

ber the 19th gives the following account of his funeral: "On Friday morning, the 16th of September, the body of the late Colonel Burr was put on board a steamboat at Staten Island and conveyed, with a number of his friends and relatives, from New York to Amboy. Here it, with the followers, was received by the railroad cars and taken to Hightstown, nine miles from Princeton. A hearse and carriages having been previously prepared, the remains, with the friends of the departed, proceeded to Princeton College, where the body was deposited until the hour of interment should arrive — half-past three o'clock.

"At the appointed hour, the professors, collegians and citizens having assembled, the ceremony commenced by a prayer to the throne of grace. It was succeeded by a most eloquent, appropriate and judicious sermon, delivered by the president of the college; after which the procession was formed on the college green and proceeded to the burying-ground, under an escort of the military, accompanied by martial music. He was interred with the honors of war. The firing over the grave was performed by a well-disciplined infantry corps, designated as the 'Mercer Guards.' The professors and students of the college, and some of the clergy and citizens, united with the relatives and friends of the deceased in the procession.

"The interment was in the college burying-place, near the tombs of his ancestors, in his native state,

under the superintendence of the fathers of that seat of learning where the budding of his mighty mind first displayed itself, where it was cultivated and matured, and where the foundation was laid for those intellectual endowments which he afterwards exhibited on the great theatre of life. He has shed a halo of literary glory around Nassau Hall. Through a long pilgrimage he loved her as the disciplinarian of his youthful mind. He vaunted he was one of her earliest and most attached sons. He joyed in her success and sorrowed in her misfortunes. In this her last act of respect to his memory she has repaid those kind feelings in which he indulged during a long life; and heartless must be the friend of the deceased who remembers not with gratitude this testimony of regard for the giant mind of him who must fill a large space in the history of his country. PEACE BE TO HIS MANES."

## CHAPTER XVI.

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### A SUMMARY.

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The Conspiracy Against Burr — Burr's Political Life — His Popularity — Refuses to Compete with Jefferson — His Letter to General Smith — Hamilton Proposes to Corrupt Jefferson — His Opposition to Burr — The Agreement Between Bayard and Jefferson — Burr's Integrity — Jefferson's Revenge — Wilkinson's Treachery — Burr's Fatal Pride — His Friends.

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“Nothing is so desirable to me as that after mankind shall have been abused by such gross falsehoods as to events while passing, their minds should at length be set to rights by genuine truth.” These are the words of Thomas Jefferson, and the sentiment they express is that which moved us to attempt to set to rights the gross falsehoods in regard to certain past events, by giving “the genuine truth;” and the vindication of Aaron Burr from some gross falsehoods with which the public mind has long been abused is what we have proposed.

In the execution of this work we have not intentionally misrepresented any one; we have tried to give only the truth, supported, as we believe, by the facts presented. It must not be understood that we have attempted to portray the whole character of either

of the distinguished personages who are here held accountable for the ruin and disgrace of Aaron Burr. We have been compelled to deal with them, not in their general character, but in the worst traits of character possessed by each. We freely confess that to judge either of them solely by his treatment of Burr would be an injustice to him. Jefferson and Hamilton both possessed nobler natures and worthier impulses than are shown in the scenes in which we are compelled to present them. But this does not extenuate the great wrong each did in his vicious persecution of Burr.

We know that in attempting a vindication of Burr we are facing a prejudice nearly universal, and which has been strengthened with the growth of almost a century. But if it can be shown that this prejudice is in direct contrast with "genuine truth," we believe there is a love of fair dealing in the American mind that will discard the prejudice and embrace the truth. If the facts we have presented do not have this effect we shall still believe it to be the fault of the advocate and not of the facts. What we hope, and the most we hope, as the result of this work is that honest minds will investigate the facts, will search for the truth, and fairly judge Burr by these, and not continue to condemn him on merely unreliable tradition.

We do not propose an estimate of Burr's true character; the time has not yet come for that; but we think it not improper that we close this

volume with a brief summary of the leading events in his history, with the motives that inspired them, and the results they produced. It is a fact that the real Aaron Burr is almost unknown to the present generation of Americans. Historians have ignored him, or presented his name coupled with degrading epithets. The truth, though not inaccessible, has never been given. Wild, unfounded, and unreasonable tradition has been accepted instead. Fiction about Burr, clothed in beautiful language, was taught in our schools for two generations as "genuine truth." Wirt's brilliant imaginations were given to the youth of the country as reliable history until the minds of the people have become thoroughly imbued with the belief that Burr was all that is execrable. His enemies were triumphant, they were in power, no one dare dispute their authority or appear in defense of Burr. But, though tardy, truth is beginning to assert itself. Historians and others, in late years, are occasionally referring to Burr in respectful terms, and are beginning to "set to rights" the falsehoods with which men's minds have been abused these many years.

Burr's political life was comparatively a brief one, but it was brilliant and successful beyond that of most of his contemporaries. He served a few terms in the state legislature; he was attorney-general of New York for four years and discharged the duties of that office so acceptably that at the end of the

term he was appointed a member of the supreme court of the state, an appointment he declined. So highly esteemed was he by the people of his state that, without solicitation on his part, he was elected to the United States senate, at the early age of thirty-five years. At the presidential election in 1800 he received the same number of electoral votes for president that were given Jefferson. Though having the same legal right to be declared president that Jefferson had, he refused to compete with him for the position, because, as he declared, the people had intended the first place for Jefferson. And when the Federalists arranged a scheme to make him president he refused to countenance it. He accepted the vice-presidency and served in that position for four years, with distinguished ability.

His renunciation of the presidency, when it was within his grasp, is one of the most unselfish acts of an ambitious statesman recorded in history. He did it promptly and without hesitation. Immediately upon learning that there was a possibility of a tie between Jefferson and himself in the electoral vote, and that the Federalists would probably give him their support for president, he wrote to General Samuel Smith, under date of December 16, 1800, as follows:

"It is highly improbable that I shall have an equal number of votes with Mr. Jefferson; but if such should be the result, every man who knows me ought to know that I would utterly disclaim all

competition. Be assured that the Federal party can entertain no wish for such an exchange. As to my friends, they would dishonor my views and insult my feelings by a suspicion that I would submit to be instrumental in counteracting the wishes and expectations of the people of the United States. And I now constitute you my proxy to declare these sentiments if the occasion should require."

He puts his refusal to compete with Jefferson on the proper ground; he would not counteract the wishes and expectations of the people. His action was prompt, manly and unselfish. And that his determination should be made known to the members of congress, he authorizes General Smith to act as his proxy in proclaiming it, if the occasion should require. General Smith was one of Mr. Jefferson's most devoted personal as well as political friends, and would undoubtedly use the authority given him to declare Burr was not a candidate against Jefferson. This action of Burr displays the highest possible integrity, and the promptness-with which he acted shows his sincerity. It released his personal and party friends from every obligation to vote for him, and every one of them, without exception, voted for Jefferson in consequence. It would be an unusually honest and unselfish politician, at this day, who, under similar circumstances, would act as Burr did.

The day after Burr wrote to General Smith dis-

claiming all competition with Jefferson, Hamilton wrote to Wolcott, outlining a corrupt proposition to be made to Jefferson, on his acceptance of which the Federalists would vote for him and against Burr. This proposition was not satisfactory to the Federalists in congress and was rejected by them. They were honest men and would not consent to sell their votes to any man or for any price. But Hamilton did not relax his efforts to bring the Federal vote to Jefferson. He knew Burr was honest in the position he had taken and that he would not compete with Jefferson, but he feared that fact would make the Federalists all the more ready to vote for Burr, an honest man, against Jefferson, who, they believed, was not an honest politician.

The situation was a difficult one; neither party of itself could elect a president. The Federalists had a small majority of the members of the house, but they did not control a majority of states, and the vote was to be taken by states, each having one vote. There were sixteen states, a majority of nine being required to elect. The Republicans had control of eight states, the Federalists of six, and two states were equally divided, Jefferson with eight states lacked one vote of an election; Burr with six states (Federalists) lacked three. Either one of the two equally divided states could have elected Jefferson; both could not have elected Burr. Thirty-five ballotings were had without any change. Of the

fifty-six Federal members only four were willing to make terms with either of the candidates, but the conditions were such that any one of these four could elect Jefferson. These were: James A. Bayard of Delaware, Lewis Morris of Vermont and George Baer and William Craik of Maryland.

Bayard, who was the sole member from Delaware, had on every balloting voted for Burr; a change of his vote to Jefferson would have elected him; Morris, one of two members from Vermont, neutralized the vote of his state; had he voted for Jefferson, it would have given him the state and elected him. The delegation from Maryland numbered eight; four were for Jefferson and four for Burr. If any one of the four Federalists had voted for Jefferson it would have elected him. Two of the four Federal members would listen to no terms with Jefferson, but Baer and Craik were willing, on proper assurances from Jefferson, to withdraw their opposition to him. And they consented to unite with Bayard and Morris, in doing so if Jefferson would agree to the terms presented to him.

They preferred Burr, however, and first tried to secure his election. A scheme was arranged, so Bayard said, by which Burr could certainly have been president. It was to deceive one man and buy two others, but this could not be done without Burr's approval, and that they failed to gain. Thus repulsed by Burr, they turned their attention to Jefferson.

Hamilton's proposition was only slightly changed; not only was the financial system to be preserved, the navy to be maintained, and the great body of the Federalists retained in office, but Bayard specially named two of his friends, George Latimer, collector of the port at Philadelphia, and Allen McLane, the collector at Wilmington, who were to be continued in office. This proposition was carried to Jefferson by General Smith, promptly accepted by him, and his acceptance reported to Bayard. Jefferson was then elected on the next balloting.

Not one of these four Federalists voted for Jefferson; their scheme did not require it. They simply did not vote at all, or voted in blank. It is a remarkable fact that with the hard work done by Hamilton he did not succeed in securing a single Federalist vote for Jefferson—not one. This fact was a crushing disappointment to Hamilton; it confirmed the then general belief that his bitter attack on John Adams had lost him the confidence of the party and all control of its action. The Federalists in congress not only did not accept his advice, but they told him plainly they did not believe the character he gave to Burr was the true one. Hamilton relied upon abuse of Burr to carry his party against him. He never once placed his argument upon the true ground—the ground upon which Burr placed it—that the people had intended that Jefferson should be president. He relied solely upon his abuse of Burr, whom

he described as a man "of unhallowed ambition," utterly "lacking in integrity," "a Cæsar, ready to mount to the highest position by any means, lawful or unlawful." At the very moment that Hamilton was heaping these charges upon Burr, and urging his party to condemn him by their votes, Burr was quietly contradicting every one of them by his action. He was refusing the presidency of the United States because it would not be honest to accept it on the terms proposed, and because the people designed it for another person. These facts, known to the Federalists in congress, caused them to give no heed to Hamilton's importunities, and no credit to his censures of Burr. The Federalists in their caucus were unanimously in favor of supporting Burr as against Jefferson, and, tired of Hamilton's pleadings, Sedgwick, the speaker of the house, wrote to him to tell him why they were determined to vote for Burr. He said it was because Burr "*held no pernicious theories and was a mere matter of fact man,*" thus directly contradicting Hamilton's assertions that Burr's theories were all pernicious, and proclaiming their belief in Burr's honesty as a man, in despite of Hamilton's often repeated declarations to the contrary. Burr's sound principles and integrity were attested by every Federal representative in congress.

This was an indorsement of the highest character because it was given by men of the highest character. The Federal members of that congress were mostly

men of high respectability, of stern integrity, and devoted patriotism. No caucus that contained such men as Theodore Sedgwick, Harrison G. Otis, Chauncey Goodrich, John Rutledge, Thomas Pinckney, and Henry Lee could have gone far wrong in any action which these men indorsed. They were all political opponents of Burr, but they knew him well; it was just at the close of a bitter political contest in which Burr was a candidate for a high position, and in which all that was known against him would be sure to be made public. And these men did know all that was made public against Burr, as well as much that was secretly circulated by Hamilton, and, with this knowledge, they unanimously indorsed Burr as "a mere matter of fact man," and that means an honest man; and besides, they declared he "held no pernicious theories," or dangerous principles. Such an indorsement, by such men, and under such circumstance, is a hundred times more worthy of belief than the charges Hamilton secretly circulated in his confidential correspondence, and which afterwards became public.

We have shown that up to the time of the presidential election by congress in 1801, that Jefferson not only professed a friendship for Burr, but had so high an opinion of his ability, his integrity and his popularity with the party that he intended, if Burr had lost his election to the vice-presidency, to call him into the cabinet, as one of his official advisers.

This friendship continued until after each had assumed his official position at the head of the new government. But it was not long until the president's jealousy was alarmed; Burr's great popularity with the people, the deference paid to him by leaders of the party and the constant reference to him as the "heir apparent" aroused his fear that a second term in office might be denied him. As this danger seemed to increase rather than diminish, Jefferson deliberately determined to drive him out of his political pathway, and to do this, he must drive him out of his political party. For Jefferson to determine, in a case where his official life was at stake, was to act, and that with great promptness.

Then a conspiracy was formed, the most powerful ever known to destroy a single man, and it was formed of the most incongruous elements ever combined for any purpose. It was necessary it should be kept absolutely secret; if Burr should know of its existence and its purpose, he could and would have defied it. No possible friend of Burr must, therefore, be admitted to the secret. Only his enemies dare be trusted. Governor Clinton, of New York, whom Burr had outstripped in official honors, had come to hate Burr for that reason. But he hated Jefferson with equal intensity. This did not daunt the president. He tempted the governor with the vice-presidency and proposed a coalition for the purpose of driving Burr out of the way of each. Clin-

ton accepted the bait and pledged his assistance. But with the governor's powerful aid Jefferson was still fearful of failure; the combination must be strengthened or the scheme might miscarry, and that would be political death to both the conspirators. There was one man whose assistance would insure success to their plans, but he hated both Jefferson and Clinton with a fervor amounting to mania, and they both hated him with equal intensity. He could not be secured by the offer of official reward, but Jefferson knew the most ardent desire of his heart was the political degradation of Burr. His jealousy was a stronger feeling than his hatred. The overthrow of Burr was promised him, and Hamilton joined the conspiracy. "Never in the history of the United States," says Henry Adams, "did so powerful a combination of rival politicians unite to break down a single man as that which arrayed itself against Burr." The opportunity for action came when Burr was nominated as the Republican candidate for governor, in New York. The conspiracy was too powerful; Burr was defeated and his political career was ended.

Jefferson and the "Virginia junto," of which he was the head, had now a clear field; no rival of the president remained in the Republican party. Jefferson could quietly and without opposition take to himself another term of the presidency, and Madison and Monroe would in succession follow him.

This was the programme prepared by the junto, and for the successful carrying out of which Burr's political death was decreed. It was neither with anger or malice that Jefferson prepared his conspiracy to drive Burr from his party. That there would be difficulties in the way he well knew, and that he carefully prepared to meet and overcome them is shown by the secrecy with which he worked and the powerful assistants he called to his aid. He was not preparing to punish Burr for any wrong doing; Burr's work thus far had all been friendly and in Jefferson's interest. Indeed he owed his position as president almost solely to Burr's ["extraordinary exertions and successes in the New York election in 1800," as Jefferson himself declared.] It was Burr's rivalry he feared; and he was but planning a not uncommon political intrigue to remove a rival from his way, who might be dangerous to his own progress and to the plans for the Virginia junto for securing complete dominance of the politics of the country.

Jefferson's feelings toward Burr met with a revulsion, when, on the 15th of April, 1806, he read the deposition of Bayard, taken at Washington two days before, in which were detailed the terms of the agreement made between Jefferson and Bayard, by which Jefferson's election to the presidency was secured. He believed Burr had instigated the exposure, and, in a towering passion, he turns to his diary and enters a denial of Bayard's statement, de-

claring he could disprove it by General Smith. But when on the following day he read Smith's deposition, confirming all that Bayard testified to, he was in despair. Denial would be useless for the witnesses were unimpeachable. Revenge upon Burr was all that was left him, and this he determined to have to the utmost. It is believed he knew of Burr's Mexican enterprise from the beginning. It is certain he knew of it from some time in the preceding January, when Colonel Daviess first wrote him about Burr's movements. But he had no feeling against Burr at that time, and no objection to Burr's project. He would no doubt have approved it if Burr had been his friend. He had projected something of the same kind himself, when he sent Senator John Smith, a few months before, to sound the Spanish authorities and people in Mexico and Florida, on the subject of a revolt from Spain.

Jefferson pondered over his plans, for more than four months, after he resolved to destroy Burr, before he decided to denounce his Mexican enterprise as treasonable. He knew of Burr's movements in January, but it was not until the middle of April his ire was aroused against him, and it was not until towards the end of September, he finally concluded to work up a case against him. He sent secret emissaries to the western country to spy out what was doing, and to report to him all they could learn against the lawfulness of Burr's movements. He

had known from the beginning that whatever it was that Burr was doing was in conjunction with Wilkinson, the commander of the army of the United States; this Colonel Daviess had assured him. As information came in slowly from other quarters, he opened a private correspondence with Wilkinson. This officer, Jefferson knew, had long been a pensioner of Spain, hired and paid to betray his country; it might not then be difficult to induce him to betray Burr. The agreement, whatever it was, between the president and the general, was soon arranged, and Wilkinson undertook the task of furnishing the evidence to convict Burr of treason.

This agreement between Jefferson and Wilkinson was never fully known; that it was not creditable to Jefferson can readily be assumed from the desperate means to which he resorted to conceal it. In response to the *subpœna duces tecum* requiring him to produce, at the trial, two letters written by Wilkinson to him, and which Burr believed would disclose the terms of their agreement, Jefferson forwarded the letters to Mr. Hay, the district attorney, with the instruction to suppress certain portions of them. This instruction Mr. Hay faithfully obeyed, and, in despite of all the efforts of Burr's counsel and the orders of the court, refused to submit the letters entire, but insisted on giving them only in part. On the misdemeanor trial the court ordered the production of these letters in full, and declared it would continue the case until

they were submitted. Mr. Hay positively refused to permit the letters to be read in full, declaring he would rather go to prison than obey the order of the court. And, though avowedly on other ground, this was undoubtedly the real reason why the prosecution of the misdemeanor case was so quickly abandoned. Jefferson dare not permit the exposure these letters would make, and therefore the prosecution was dismissed.

In the summer of 1806 Wilkinson wrote to Burr in cipher, inquiring about his preparations for the Mexican expedition, assuring him that the issue of peace or war was now in his own hands, and declaring that he could inaugurate war at any time. Burr wrote a reply in cipher, acknowledging the receipt of Wilkinson's letter and telling him he had at length obtained funds; and, in referring to the expedition, said, "*everything favors our views.*" He also said he would start west in a few days. Wilkinson, at the time he received this reply to his letter to Burr, was in correspondence with Jefferson, and had agreed to betray Burr. He was then looking for evidence against him. It occurred to him that he might so alter this letter, by eliminating everything which showed his own connection with Burr, in the proposed enterprise, and give it the appearance of an original proposition from Burr to himself, urging him to join Burr in the proposed conquest of Mexico. Wilkinson made the changes necessary to exculpate

himself, and then made a translation of the letter in its new form, and, swearing to the truth of the translation, sent it to Jefferson. There is no reason to believe that the president knew or suspected either Wilkinson's forgery or perjury in this matter. He knew Wilkinson was a desperate character, that he had long been a stipendiary of Spain and a traitor to his own country. He had reason to believe, for he had been so informed, that Wilkinson was engaged with Burr in whatever movements then occupied Burr's thoughts, and when he commended the action of the "General, with the honor of a soldier and the fidelity of a good citizen," he knew it was only to give credit to an unprincipled villain.

Two days after the receipt of this translation of Burr's letter, November 27, the president issued a proclamation declaring the existence of a treasonable conspiracy on the western waters. But the president was not satisfied that the translation of the cipher letter sent him by Wilkinson would of itself sustain the charge of a treasonable purpose, that would authorize him to make the charge directly against Burr; he, therefore, did not name him, but left it to be implied that it meant Burr, and it was so understood. Thus we find that it was from January to November—nine months—from the time Jefferson was first informed of Burr's suspicious movements until he obtained what he believed was sufficient evidence to authorize any interference on

his part, and not then enough to justify him in openly naming Burr as a party to the conspiracy. But he had said enough to fully commit himself, to startle the country, and to make a public investigation, by responsible agents, a necessity. Whatever were the reports his secret emissaries had made to him, they were not made public. He, therefore, appointed General Andrew Jackson, of Tennessee, to make investigation and report upon the threatened danger to the country of Burr's expedition. Jackson's report was summarized in a message to congress, in which the president says: "Aaron Burr passed Fort Massac on the 31st of December, with about ten boats, navigated by about six hands each, *without any military appearance.*" This is the only official evidence of the extent of Burr's "conspiracy" ever produced by Jefferson or any one else. It consisted of ten boats loaded with agricultural implements and provisions, going to settle upon lands on the Washita, in the Spanish province of Texas, and numbered sixty unarmed men.

This evidence would make the president's proceedings ridiculous, and something must be done to save him. The facts failing, clamor and excitement were resorted to as the only expedient left to deceive the people and save the credit of the president. Rumor upon rumor was put in circulation; it seemed that as fast as one rumor was refuted, ten new and more fearful ones were set afloat. Wilkinson's inven-

tion was never so taxed as it was to terrorize the people at New Orleans. He had a thousand soldiers of the regular army with him at New Orleans, as well as the whole body of militia of Louisiana and Mississippi, to repel Burr's sixty unarmed men. But he built fortifications, erected batteries, and engaged the marines on the shipping in port to assist in protecting the city. He declared martial law, arrested innocent persons and shipped them off to Washington for trial. Never in the history of the country was a farce so overdone as that played by the commander of the United States army at New Orleans. But it suited the taste of the audience; the people of not only New Orleans, but the whole country, were frightened into believing that Burr was on his way with sixty unarmed men to capture New Orleans, defeat Wilkinson and his army, and then triumphantly proceed to conquer Mexico. And strange as it may seem, many sensible men of this day believe that if a militia company had not captured Burr and his men, up in Mississippi, New Orleans would have been captured, and Wilkinson, perhaps, have perished in its defence.

Burr and his party were arrested at Bayou Pierre, in the Mississippi territory, the federal court was convened, a grand jury called and the witnesses examined. The return of the grand jury was that Burr had not committed any unlawful act or contemplated any. On the contrary, the grand jury

censured the authorities for their unlawful arrest of the party. But law was not regarded in this ruthless persecution of Burr. He was rearrested and carried hundreds of miles from the scene of his alleged crime, to be tried where it was thought a subservient jury could be found. In the meantime, while still unindicted, untried, and unconvicted of any crime, by order of the government his entire property, all he possessed, was confiscated and destroyed, reducing him to utter poverty. Never was a greater outrage committed upon the rights of a citizen, in a country where the law was supposed to be respected, and committed by order of the government pledged to the protection of its citizens; a government sworn to see the laws honestly administered and enforced. Tyranny and oppression never went further in the worst days of the Tudors or the Stuarts. Not one dollar of restitution was ever made. This would not less have been tyranny and oppression if Burr had even been proved guilty of treason, for the law presumes a man innocent until his guilt is proved. Burr was never convicted of any crime.

There is nothing in all history more remarkable than the case of Aaron Burr. A soldier who had given the first four years of his manhood to the defense of his country; whose bravery and ability had won not only the plaudits of the people but the praise of all his comrades who knew him, from the commander-in-chief down to the private who fought

under his command; that this soldier, with the glory of his heroic deeds still undimmed, should be pursued, persecuted, condemned as a traitor, without any treasonable act having ever been proved against him, but solely upon the clamor and the prejudice of the very people for whom he risked his life that they might be free—is certainly a remarkable record for any country or for any time.

That a man who had risen by the voluntary suffrage of the people to almost the highest position of honor under the government, and who throughout his whole official life had served the people, without a stain upon his character—whose integrity had been tested by the greatest temptation possible to an honest ambition, and who had put aside the tempter without a moment's hesitation, should be condemned, without one particle of proof against him, as totally lacking in principle and integrity, and as possessing an unholy and dangerous ambition, is a startling fact that should arrest the attention of all fair-minded men. That a man so trusting and so unsuspecting that a conspiracy was formed, in his very presence, to ruin and destroy his reputation, and he did not suspect it; that a man for years had been calumniated and traduced, by a false friend, with all manner of vilification and falsehood, and all this time he, unsuspecting, trusts him with his friendship and his confidence, should come to be regarded, without cause, and mainly through this false friend's du-

plicity, as an unprincipled intriguer, is certainly one of the strangest cases in all history — and yet such is the case of Aaron Burr.

Yet all this was in great measure the fault of Aaron Burr himself. He possessed ability, ambition, integrity, and all the qualities necessary to greatness, but with all these he possessed an inordinate pride, which, in the era of political calumny and detraction in which he lived, made him the easy victim of the intriguer, the slanderer, and the false friend. He would entertain no suspicion of a friend, and treated only with contempt the slanders of an enemy. He would never deny or explain an accusation against himself, even when conclusive evidence of its falsity was in his possession. During the bitter political campaign of 1804, in his own state, when the charge of intrigue with the Federalists, in 1801, was invented by Cheatham and pressed against him, it required the utmost efforts of his friends to induce him to write a short letter of denial. And afterwards when, with greater labor, he was persuaded to institute a suit against Cheatham for libel, and had the evidence, in great abundance, secured to sustain it, his disgust at the proceedings became so strong he abandoned the prosecution. His friends, afterwards, without his consent, revived the case, and fully and conclusively disproved the charge by the evidence of the leading men of both political parties. There never was even a shadow of evidence to sus-

tain the charge. It was a false pride that thus led him to treat with only silent contempt the innumerable assaults made upon his character, and was the cause of lasting injury to his reputation.

No man ever had truer friends; their devotion was almost unlimited, and in return he was true and faithful to them. The party he organized in his state in 1800, was almost a personal following, and its members clung to him through all the vicissitudes of his life. Those who knew him best were his warmest and most trusting friends. His enemies admitted his ability and fought him unfairly, either in secret or through powerful combinations. Had he been suspicious and watchful, or had he been pugnacious, and fought his enemies as they fought him, with the ability and vigor he possessed, he would have defeated their efforts, and few names would now be found preserved in American history more honored than that of AARON BURR.

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